



“
**EVERY
HOUR FELT
AS LONG
AS A YEAR**”

**Voices of Detainees
Held by Afghanistan's
de facto General
Directorate of Intelligence**

OMCT
SOS-Torture Network



HRD
HUMAN RIGHTS
DEFENDERS PLUS

ABOUT THE AUTHORS

The **World Organisation against Torture (OMCT)** works with around 200 member organisations which constitute its SOS-Torture Network, to end torture, fight impunity and protect human rights defenders worldwide. Together, we make up the largest global group actively standing up against torture in more than 90 countries. Helping local voices be heard, we support our vital partners in the field and provide direct assistance to victims. Our International Secretariat is based in Geneva, with offices in Brussels and Tunis. The **Civil Society and Human Rights Network (CSHRN)** is a local non-governmental organization (NGO) documenting torture in Afghanistan since 2004, with the aim of exposing abuses, amplifying survivor voices, and advocating for accountability. They have been forced to leave Afghanistan in 2021 and are now registered in Sweden. CSHRN holds the secretariate of **Human Rights Defenders Plus (HRD+)**. HRD+ is an Afghan-led independent human rights network in exile representing Afghan progressive voices since 2022.

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ISBN: 978-2-88894-106-4.

LIST OF ABBREVIATIONS

AIBA	Afghanistan Independent Bar Association
CAT	Committee Against Torture
CEDAW	Convention on Elimination of all Forms of Discrimination Against Women
CSHRN	Civil Society and Human Rights Network
EUAA	European Union Agency for Asylum
GDI	General Directorate of Security
ICCPR	International Convention on Civil and Political Rights
ICRC	International Committee of Red Cross
NDS	National Directorate of Security
OHCHR	Office of the High Commissioner for Human Rights
OMCT	World Organization Against Torture
OPACT	Optional Protocol to the Convention Against Torture
SAARC	South Asian Association for Regional Cooperation
SPT	Subcommittee on Prevention of Torture
UN-CAT	United Nations Convention Against Torture
UNAMA	United Nations Assistance Mission in Afghanistan



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I. Executive Summary

This report, a collaborative effort by the World Organisation Against Torture (OMCT), the Civil Society and Human Rights Network (CSHRN), and Human Rights Defenders Plus (HRD+), present an analysis of the widespread use of torture and other forms of ill-treatment by the *de facto* government and in particular in the *de facto* **General Directorate of Intelligence (GDI)** detention centres in Afghanistan since the Taliban's return to power in August 2021. It builds on a long-standing partnership between OMCT and CSHRN, documenting torture in Afghanistan since 2017, with the aim of exposing abuses, amplifying survivor voices, and advocating for accountability.

This latest report specifically documents the lived experiences of 15 (six female and nine male) individuals who were arbitrarily detained between 2021–2024 and subjected to severe physical and psychological abuse in facilities run by the *de facto* GDI across Kabul, Balkh, Herat and Takhar provinces. Those interviewed were 15 human rights defenders from different professional background including journalists, attorneys and prosecutors, professors, and members of the former military, identified through OMCT's existing network. By **centring first-person testimonies**, the report provides a direct connection to their experiences, offering insights that often go beyond conventional institutional reporting. These accounts are not merely documentation but also an act of quiet resistance against the ongoing repression.

As explained in this report, Afghanistan has experienced the **dismantling of its previous legal and constitutional order** since August 2021. The 2004 Constitution is no longer recognized, and legal authority is now centralized under the Taliban's supreme leader, who governs through binding decrees. Judicial and law enforcement systems have been reshaped to align with a strict, literalist interpretation of Islamic law, with a focus on moral policing and social control, often at the expense of due process and human rights. This shift has led to widespread arbitrary detentions and the suppression of fundamental freedoms. Although the previous government had ratified key international treaties such as the UN Convention Against Torture (CAT Convention) and the International Covenant on Civil and Political Rights (ICCPR), and torture was nominally prohibited by national law, enforcement remained weak, and impunity prevailed. A culture of impunity and arbitrariness also dominates the legal landscape under Taliban rule. The United Nations Assistance Mission in Afghanistan (UNAMA) documented over 1,600 human rights violations between January 2022 and July 2023, nearly half of which involved torture or other forms of cruel, inhuman, or degrading treatment, particularly during arrest and detention by the acting Ministry of Interior and the *de facto* GDI.¹ Although there are relevant decrees issued by the Taliban supreme leader, including a **Decree published in 2022 on Code of Conduct on System Reform Relating to Prisoners (Prison Decree)**², implementation seems weak and arbitrary.

The **absence of independent external monitoring** has further enabled the unchecked use of torture. Civil society organizations are unable to access *de facto* GDI facilities for the purpose of monitoring. Afghanistan currently lacks any monitoring system compliant with the Optional Protocol to the Convention against Torture (OPCAT) that it has ratified in 2018.

Survivor testimonies show that torture is used for information extraction and as an instrument of ideological punishment and social control. Individuals targeted include human rights

¹ UNAMA, "The treatment of detainees in Afghanistan. Respecting Human Rights: a Factor For Trust, September 2023, p.3, <https://unama.unmissions.org/unama-urges-urgent-accelerated-action-afghanistan%E2%80%99s-de-facto-authorities-stop-torture-and-protect> .

² Decree No. 175 Code of Conduct on System Reform Relating to Prisoners, issued by the Supreme Leader of the Taliban, January 2022.

defenders, journalists, former security personnel, and members of ethnic and religious minorities. Interviewees are **accused of espionage or immorality** and arrested without warrants or formal charges. **Arrests were described as violent and degrading**, involving blindfolding, beatings, and threats. In detention, they were subjected to a wide array of **brutal torture methods**, including beatings with chains and cables, electric shocks, suffocation with plastic bags, simulated drowning, and in some cases, the drilling of hands with sharp metal rods. These acts are often accompanied by religious or sectarian insults. Solitary confinement is common, with cells described as dark, cold, and barely large enough to sit in. Psychological torture includes constant surveillance, threats of execution, and humiliation, including gender-based humiliation targeting women's perceived morality. One woman recalled, "Every hour felt as long as a year."

The report also documents cases of **sexual violence and harassment against both men and women**. One male survivor recounted being stripped, filmed, and repeatedly raped by Taliban members, emphasizing the use of sexual violence as a method of domination and degradation. Coerced confessions seem a standard feature of detention in *de facto* GDI facilities, sometimes even recorded on camera and disseminated by state media as propaganda. Interviewees were given pre-written statements to recite and punished if they deviate from the script.

Conditions of detention were described as cruel and degrading and neither meeting the requirements under decrees issued by the *de facto* authorities, including the Prison Decree 2022, nor under the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).³ Facilities are often overcrowded and unsanitary and access to medical care was reportedly lacking. The quality and quantity of food was described as insufficient resulting in fights "among prisoners over food because it was insufficient, and everyone remained hungry". Psychological services are non-existent. Contact with family members is often prohibited in *de facto* GDI facilities. When allowed, visits and conversations were reported to be surveilled by the guards. Interviewees further reported that Hazara and Shia detainees are singled out for harsher treatment and routinely subjected to sectarian abuse. In some cases, even access to food and visitation rights are determined by ethnic background and language.

The dismantling of legal safeguards has left detainees entirely vulnerable. **10 of the 15 interviewees never saw a de facto judge and only one interviewee was able to have a lawyer**. There is a perception among the interviewees that judicial decisions are overruled by Taliban intelligence agents. Several survivors mentioned that there were no functioning complaints mechanisms. Several interviewees reported that they were threatened with violence, detention, or even death should they attempt to speak out. **After release**, many interviewees reported that they **remain under surveillance** and receive regular threats. As one interviewee noted: "Freedom from Taliban prisons does not mean true liberation; in fact, the restrictions and loss of freedom begin right at that moment."

The first-person narratives of this report document the brutality of *de facto* GDI custody and highlight the intimate violence done to a person's identity, urging immediate international intervention. The report concludes with recommendations for the *de facto* authorities as well as the international community, including the **establishment of an accountability mechanisms, support for human rights organizations**, and the provision of asylum and protection for those at risks.

³ United Nations, "The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)", https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf.

II. Introduction

This report presents a critical analysis of the use of torture and other forms of ill-treatment by the *de facto* government in its GDI detention facilities in Afghanistan. Since the Taliban's return to power in August 2021, Afghanistan has experienced a dramatic dismantling of its prior legal and constitutional structure, leading to an environment where arbitrary detentions and the suppression of fundamental freedoms have become pervasive. The judicial and law enforcement systems have been restructured with little regard for due process or international human rights commitments.

Based on in-depth qualitative interviews with human rights defenders, activists and others who speak out against the *de facto* government, this report documents the lived experiences of individuals who were detained in facilities run by the *de facto* GDI. Survivors describe arbitrary detention, physical and psychological abuse, and systematic efforts to dehumanize and silence them. While some information has emerged about detention practices in *de facto* GDI facilities, there is no direct access for civil society organisations or international monitoring bodies. These sites remain largely closed to independent scrutiny, despite being key locations where many of the most at-risk individuals, including human rights defenders, are detained. The report focuses on *de facto* GDI facilities, rather than those operated by the *de facto* police under the Ministry of Interior, to shed light on patterns of abuse in places that remain less visible and are less frequently reported on.

The report centres survivors' narratives and explores how these violations are experienced, remembered, and resisted. It builds on sustained collaboration between the OMCT and CSHRN, who have jointly documented torture in Afghanistan since 2017. While authoritative reports have documented widespread patterns of torture and ill-treatment, this report places survivors' voices more prominently. The first-person accounts in this report allow the reader to engage with **survivors' own words**, providing a direct connection to their experiences rather than relying solely on summaries or external interpretation. While analysis and interpretation are provided alongside these narratives, this balance safeguards survivors' perspectives as the foundation of our work.

The report is accompanied by **original illustrations created by a collective of artists** based in Afghanistan. Working under conditions of surveillance and censorship, these artists visually interpret the experiences of survivors in ways that honour their words. Their contribution is not merely decorative but itself an act of quiet resistance. In a context where artistic expression is policed, these images reclaim space, voice, and visibility. Like the testimonies in this report, the illustrations challenge silence and repression by insisting on the right to be seen, remembered, and believed.

The narratives in this report reveal how torture is used as a **tool of control and as a moralised form of ideological punishment**, religiously justified to target perceived deviation. They further expose how torture in *de facto* GDI detention serves to assert total physical and psychological domination. Survivors speak of shame, silence, isolation, and a profound rupture in their sense of self. Some described solitary confinement and rape; others spoke of being forced to confess on camera under duress or of being subjected to ethnic or sectarian slurs. Moreover, many continue to live under surveillance, facing ongoing threats and social exclusion. Their testimony makes clear that freedom from Taliban prisons does not mean true liberation. Repression extends beyond the prison walls, through post-release surveillance and through the lasting physical and psychological harm inflicted by torture. Together, these stories reveal not only the brutality of Taliban custody, but the intimate violence done to identity, memory, and belief.

The objectives of the report are threefold. First, to document the extent and nature of torture and ill-treatment drawing primarily on testimonies from individuals detained in facilities operated by the *de facto* GDI. Second, to interpret these abuses through the lens of survivor narratives, identifying broader patterns of repression, discrimination, and impunity. Third, to support evidence-based advocacy efforts through survivor-informed recommendations aimed at strengthening protection, accountability, and justice. Thus, this report seeks to provide a more nuanced understanding of what torture means in practice. It aims to **speak with, not about, survivors by placing their voices at the centre of the analysis and treating their words not only as evidence, but as a form of resistance**. In doing so, this report addresses arrest and torture as ideological punishment (section 1); physical torture in detention (section 2); solitary confinement and psychological torture (section 3), rape and sexual harassment (section 4); coerced confessions and propaganda (section 5); cruel and inhuman detention conditions (section 6), discrimination against minorities in detention (section 7); Dismantled legal safeguards and impunity (section 8); and post-release control (section 9).

III. Methodology

This report is based on semi-structured in-depth interviews with 15 individuals (six women and nine men) who experienced torture and ill-treatment at the hands of officials from the *de facto* GDI. These individuals were detained in four provinces: Kabul, Balkh, Herat, and Takhar. Three interviewees were based in Europe, two in Canada, three in Pakistan and five in Afghanistan at the time of the interview. Interviews were also conducted with a former judge and a former senior staff member from the Pul-e Charkhi prison of the previous government.

Interviews followed a standardized question-and-answer format, except for one case, which was documented as a narrative account to allow for an unstructured description of extreme abuse, including sexual violence. The questionnaire comprised of 30 core questions, with additional seven questions for female interviewees. It addressed the circumstances of arrest; methods and patterns of physical and psychological torture; detention conditions such as overcrowding, sanitation, food, and medical care; access to legal safeguards, including contact with lawyers, judges, and family; and discrimination based on gender, ethnicity, or religion. It also examined retaliation for complaints and concluded with questions on independent monitoring. The extended version further explored gender-specific experiences such as pregnancy, childbirth in detention, virginity testing, and access to hygiene and trauma-related care. This format allowed for identification of recurring patterns, as well as context-specific practices.

The interviews were conducted between August 2024 and January 2025 over the phone in Dari and lasted between 60 to 90 minutes. The identity of interviewees is kept confidential for security reasons. 14 interviewees are featured in this report as anonymized first-person narratives. One interviewee requested that no personal account be included, citing fears of retaliation as the person has recently returned to Afghanistan from Pakistan. The general concerns and patterns this individual shared has, however, been integrated into the analysis to reflect the broader issues identified across testimonies.

Civil society organisations, including the authors of this report, do not have access to *de facto* GDI facilities to monitor conditions. This lack of access significantly limits the ability to document conditions of detention and the treatment of detainees. Given the highly restrictive and repressive environment, particularly the heightened risks for individuals engaging with human rights organisations, access to detainees was significantly constrained. The Taliban threaten released interviewees not to speak about their experiences in detention facilities. As a result, this research relied on a sample composed of individuals to whom the organisations had safe and ethical access to, meaning individuals who are part of the authors' network or have received our support during their exile journeys and remain in contact with us today. This reflects the authors' commitment to work in solidarity with partners and sustain relationship built over time. Interviewees included human rights defenders, journalists, women's rights activists, a university professor, former government officials, lawyers, and a former prosecutor.

The sample does not claim to be statistically representative of the broader prison population but offers crucial qualitative insights into patterns of abuse and the lived experiences of individuals affected by the current human rights situation. This approach prioritizes the safety of participants while ensuring that victims' and survivors' voices and first-hand accounts continue to inform international reporting and advocacy efforts.

Additionally, it is important to note that security constraints may have led participants to withhold some details due to fear of reprisals. Furthermore, the study relies on retrospective accounts, meaning participants' recollections may be influenced by trauma or memory biases. Despite these challenges, the findings offer critical evidence of Taliban-led abuses,

contributing to broader efforts to document and challenge human rights violations in Afghanistan.

A draft of this report was shared with the interviewees for their feedback and recommendations.

IV. Background



1

Torture and Justice Under Previous Governments (Pre-August 2021)

a Legal Framework and International Engagements

Afghanistan's legal system is shaped by a mix of Islamic law, customary practices, and state legislation, reflecting the country's diverse ethnic and social landscape. This legal pluralism often creates tensions between local traditions and the requirements of international human rights law.⁴ Afghanistan's formal legal development began with its first constitution in 1923. Due to recurring political instability and regime changes, the country adopted six different constitutions before the 2004 Constitution, each replacing the previous one and disrupting the development of stable legal institutions.⁵

The Bonn Agreement of 2001 marked a new phase in state-building efforts, which sought to navigate **Afghanistan's existing legal pluralism by integrating Islamic principles, international human rights norms, and local traditions.**⁶ Despite these formal advancements, Afghanistan's judiciary remained weak, and many people continue to solve their disputes through informal justice mechanisms, first and foremost through *jirgas* and *shuras*⁷ based on tribal customs and Pashtunwali, a traditional code emphasizing honour (*ghayrat*), revenge (*badal*), hospitality (*melmastia*), and sanctuary (*nanawati*).⁸

Afghanistan also engaged with international legal systems, ratifying key human rights treaties. Notably, it was the only Muslim-majority country to ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) without reservations.⁹

⁴ Nailatul Fadhilah Agusti, Yusnita Eva Zulfan, Muhammad Zakkiyu, and Md Yazid Ahmad, "Legal System Resilience in Afghanistan: Dynamics of Pluralism and Political Transformation", *Kawanua International Journal of Multicultural Studies* 5 (2), 224, pp. 199–214, <https://doi.org/10.30984/KIJMS.v5i2.1193>.

⁵ M. Ayub Yusufzai, Geeta, and Gaurav Kataria, "Constitutional Interpretation in Afghanistan's Legal System from 1923 to 2021", *International Journal of Research in Constitutional Studies* 8 (6), 2024, pp. 12–19; <https://doi.org/10.2017/IJRCS.202406003>.

⁶ Per Sevastik, "Rule of Law, Human Rights and Impunity: The Case of Afghanistan", *Hague Journal on the Rule of Law* 11 (1), 2019, pp. 93–145; <https://doi.org/10.1007/s40803-019-00089-z>.

⁷ Jirga and Shura are traditional forms of community councils or assemblies primarily used for dispute resolution and governance, particularly in Afghanistan and some regions of Pakistan.

⁸ Noah Coburn and John Dempsey, *Informal Justice and the International Community in Afghanistan*, United States Institute of Peace, 2010, USIP Report, <https://www.usip.org/sites/default/files/PW84-Informal%20Justice%20and%20the%20International%20Community%20in%20Afghanistan.pdf>.

⁹ *Afghanistan – Treaty Body Database*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=AFG&Lang=EN

b Persistent Torture and Impunity

Despite the above-mentioned formal commitments to international human rights frameworks and legal reforms, torture and abuse of detainees remained widespread during the Republic era. **Weak judicial oversight, corruption, and a lack of accountability** created conditions in which law enforcement agencies frequently operated with impunity. The justice system was weak which meant that basic legal protections, such as the prohibition of torture and the right to due process, were often ignored in practice.

From 2017 to 2019, numerous reports indicated that detainees were often not brought directly to official detention facilities after arrest, and faced physical mistreatment, coercion, and torture. According to the World Justice Project, 86% of detainees held by the Afghan Local Police, 69% by the Afghan National Police, and 83% by the National Directorate of Security (NDS) reported being physically abused—typically through kicking, beating, or punching—before being processed or interrogated.¹³

In 2017, Afghanistan was reviewed by the Committee against Torture (CAT). An alternative report submitted to the CAT by CHSNR and the OMCT documented over 100 torture cases.¹⁴ The alternative report highlighted how detainees, particularly those accused of terrorism or national security crimes, faced severe physical and psychological abuse, including beatings with various objects, electric shocks, and sexual assault, leading to long-term injuries, psychological disorders, and loss of livelihood. The alternative report further emphasized a pervasive climate of impunity, weak judicial institutions, lack of access to legal counsel for victims, and absence of redress and rehabilitation services for torture victims. CSHRN who was coordinating the submission of the report was directly threatened by the former government to close their office in case they report cases of torture in detentions. Consequently, CSHRN was forced to submit a confidential report with serious cases.

In its **Concluding Observations**, the CAT expressed grave concerns about the widespread use of torture and ill-treatment to extract confessions, particularly targeting national security and conflict-related detainees.¹⁵ It indicated practices such as beatings, electric shocks, suspensions, threats, and sexual abuse that were commonly reported from facilities run by the National Directorate of Security, the Afghan National Police, and the Afghan Local Police. The CAT also referred to what it called a **"general climate and culture of impunity in Afghanistan"**, evidenced "by the large number of cases of alleged human rights violations" and a widespread acceptance and legitimization of torture in Afghan society. The CAT also criticized detention conditions, including severe overcrowding, inadequate sanitation, and insufficient access to water, food, and medical services.

Shortly after the CAT review, Afghanistan **ratified the Optional Protocol to the Convention against Torture (OPCAT)** committing itself to establish a National Preventive Mechanism. Such mechanism was, however, never set up. Although the Afghan Independent Human Rights Commission undertook regular prison visits, there was no system of independent prison monitoring compliant with OPCAT regulations. Civil society organisations were never granted access to detention facilities for the purpose of monitoring or documenting detention conditions.

¹³ World Justice Project. "The Rule of Law in Afghanistan. Key Findings from 2019", p. 8, https://worldjusticeproject.org/sites/default/files/documents/Final-Afghanistan-Report-2019_B.pdf.

¹⁴ OHCHR, Reporting Status of Afghanistan, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FNGS%2FAFG%2F33102&Lang=en.

¹⁵ CAT, Concluding Observations on Afghanistan, UN Doc. CAT/C/AFG/CO/2, 12 June 2017, para. 7.

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In sum, Afghanistan maintained a nominal adherence to international legal frameworks by ratifying relevant treaties and criminalizing torture in its domestic law. Nonetheless, torture remained widespread in practice and impunity was the norm.

¹⁵ CAT, Concluding Observations on Afghanistan, UN Doc. CAT/C/AFG/CO/2, 12 June 2017, para. 7.

2

A New Legal and Human Rights Landscape after August 2021

a Dismantling of the Previous Order and Establishment of Sharia Law

Since the Taliban returned to power in August 2021, Afghanistan has experienced a **dismantling of its previous legal and constitutional framework**. The 2004 Constitution is no longer recognized, and the country's national legislature has been dissolved. In its place, law and order is now concentrated in the hands of the Taliban's supreme leader, referred to as the Amir al-Mu'minin (leader of believers), who issues binding decrees. Ministries also issue directives, particularly the Ministry for the Promotion of Virtue and Prevention of Vice, which has assumed a central role in shaping social and legal norms. These directives often reflect a strict and literalist interpretation of Hanafi Islamic law, emphasizing moral policing and social control.¹⁶

Socially, the Taliban's rule has significantly affected civil liberties, especially for women, activists, human rights defenders, journalists, and former government officials. The dismantling of independent media, restrictions on women's rights, and the repression of dissent have created an environment of fear and silence.¹⁷ Those who oppose or are suspected of opposing the regime, have been subjected to severe punishments, including imprisonment, torture, and inhuman treatment. In 2024, Civicus Monitor rated Afghanistan's civic space as closed with a low score of 11 out of 100; only seven countries have a lower score.¹⁸

A compilation of **65 decrees issued by the Taliban's supreme leader** is accessible on the website of the *de facto* Ministry of Justice, covering a broad range of topics. Some of these decrees date back to the period when the Taliban were still engaged in conflict with the previous government. Issues covered in these decrees include the treatment of prisoners of war, efforts to combat narcotics, the creation or dissolution of institutions, and guidelines on the personal appearance of Taliban members, such as hair length. These decrees are brief

¹⁶ Haroun Rahimi, "Remaking of Afghanistan: How the Taliban Are Changing Afghanistan's Laws and Legal Institutions", Institute of South Asian Studies, National University of Singapore, July 26, 2022; <https://www.isas.nus.edu.sg/papers/remaking-of-afghanistan-how-the-taliban-are-changing-afghanistans-laws-and-legal-institutions/>.

¹⁷ See e.g. UNAMA, "Media Freedom in Afghanistan", November 2024, https://unama.unmissions.org/sites/default/files/unama_report_on_media_freedom_in_afghanistan.pdf; Amnesty International, "Afghanistan 2024", <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/>; Freedom House, "A Needs Assessment of Afghan Human Rights Defenders", 2022-2023, <https://freedomhouse.org/sites/default/files/2023-07/AfghanHRDSReportJan2023edit.pdf>.

¹⁸ Civicus Monitor, "Tracking Civic Space", <https://monitor.civicus.org/>. Countries with a lower score are Eritrea, North Korea, Saudi Arabia, Laos, Iran, Turkmenistan, and Myanmar.

and differ significantly from the formal executive orders typically issued by presidents or heads of state. They often resemble religious sermons, rich in quotations from Islamic sources and delivered in a style more akin to preaching. Despite their sermonic form, however, these decrees are binding and carry the force of law within the Taliban's governing structure.

In the context of torture and detention, the most relevant piece of legislation is the **Decree on Code of Conduct on System Reform Relating to Prisoners (Prison Decree 2022)**¹⁹, which is discussed in more detail below (section b). Other pertinent laws include a 2022 decree by the supreme leader instructing the *de facto* Ministry of Justice to establish a procedure for licensing defense lawyers through an examination process. However, any implementing regulation on this decree by the *de facto* Ministry of Justice seems missing. Another relevant decree concerns court procedures and sets specific timelines for different levels of judicial proceedings: primary courts are allotted 1.5 months to resolve cases; appeals courts, 10 to 20 days; and the *de facto* Supreme Court, between 20 days and one month. The decree places particular emphasis on expediting *Hudud* and *Qisas*²⁰ cases, as well as cases involving detainees. *De facto* Judges may request an extension of these timelines from the *de facto* Supreme Court if a valid justification is provided.²¹

In March 2023, the Taliban issued a decree replacing the former Attorney General's Office with the **High Directorate for the Supervision and Prosecution of Decrees and Edicts**²². This Directorate is tasked with monitoring arrests, detentions, and investigations carried out by bodies such as the *de facto* MOI and GDI, and can issue orders to release detainees or investigate complaints of torture. This new institution combines functions that, under rule-of-law standards, should remain institutionally separate: it is tasked not only with prosecuting cases, but also with overseeing the legality of arrests and detentions, monitoring detention conditions, and investigating allegations of ill-treatment or torture. It also holds quasi-judicial authority, including the power to order the release of detainees.

From a rule-of-law perspective, this concentration of investigatory, prosecutorial, and oversight functions in a single institution is problematic. In systems governed by the rule of law, criminal investigations are typically carried out by police or security forces, under the supervision of an independent prosecutorial authority. Conditions of detention and the treatment of detainees are, in turn, monitored by independent oversight bodies, such as national human rights commissions or ombuds institutions. Blurring these functions undermines institutional checks and balances and removes safeguards against abuse and impunity. The practical impact of this decree and the Directorate's functioning remain unclear, with no evidence so far that it has improved oversight or accountability in detention practices.

¹⁹ *Decree No. 175 Code of Conduct on System Reform Relating to Prisoners*, issued by the Supreme Leader of the Taliban, January 2022.

²⁰ *Hudud* and *Qisas* are two core types of criminal punishment in Islamic law (Sharia), based on teachings from the Quran and Hadith. They involve fixed and retributive penalties for specific offenses and are central to the Islamic criminal justice system. For example, under *Qisas*, a victim's family may choose retribution, compensation, or forgiveness in cases of intentional murder. *Hudud* include crimes like theft, adultery, apostasy and *Qisas* include crimes like intentional homicide and bodily harm.

²¹ *De facto* Ministry of Justice, Official Gazette, Decrees, Orders, and Instruction of Taliban Supreme Leaders published June 2023. Not accessible online.

²² Taliban Leader Decree, No. 32, Enforcement of Law Regarding the Structure and Responsibilities of the High Directorate for the Supervision and Prosecution of Decrees and Edicts, No. 32 February 2023, Afghanistan.

▣ Decree on Code of Conduct on System Reform Relating to Prisoners (Prison Decree)

The Prison Decree 2022 sets out the framework for the treatment of detainees. Its preamble frames the decree as a response to **divine instruction**, invoking both the Qur'an (*"And they give food, in spite of love for it, to the needy, the orphan, and the captive"*) and the words of the Prophet Muhammad (*"Treat the prisoners with kindness."*). These religious references serve not only as ethical guidance but as a legal foundation of the decree.

The decree contains safeguards **around arrest and search procedures**. It states that *"a house should not be searched unless there is an urgent necessity"* and that such searches must take place *"in the presence of the Imam of the mosque"* and in a way that *"does not harm the dignity of the family"* (Art.1). It further prohibits night-time arrests, noting that *"entering a home at night—particularly in a manner resembling the previous government's night raids—should be avoided"* (Art.2). The law also bans mistreatment during arrest: *"The accused and criminals shall not be tortured, punished or threatened. Offensive or insulting language must be avoided in the presence of others and relatives"* (Art.3). Moreover, at the time of arrest, the decree requires that *"the responsible authority shall introduce themselves and inform the detainee's relatives of the address where the person is being detained or imprisoned"* (Art.4). During prisoner transfers, it explicitly forbids treatment *"that contradicts Islamic principles, moral values, and human dignity such as one or more people sitting on the prisoner's head or abdomen"* (Art.5).

Regarding **prison conditions**, the decree demands that *"the place where the prisoners live shall be suitable in terms of weather and climate"* (Art.8) and that *"a room should not be so overcrowded that it amounts to torture and oppression"* (Art.9). It further requires that detainees have access to fresh air, sunlight and exercise (Arts. 10 and 12). The decree further instructs that *"efforts should be made to ensure that immoral and corrupt prisoners are not kept together with relatively decent prisoners"* (Art.11).

On **food and necessities**, the decree provides that *"the provision that the Islamic Emirate has designated for the prisoners is their rights and must be spent on them"* (Art.13) and that necessary supplies should be provided during cold weather (Article 16), food must be *"healthy and suitable"* (Art.17) and water as well as supplies for personal hygiene, ablution, and bathing should be accessible (Art.18). In addition, Art.22 provides that living areas and eating and drinking utensils must be clean, that detainees must have access to supplies to clean their clothes and bodies and that basic medical assistance needs to be provided in facilities,

There are several provisions on **religious practices and religious education** like access to Qurans, (Art.20), access to *places for prayer* (Art.19) and education by a scholar that includes prayers, translation of verses and Hadiths, and *"promotion of virtue while eliminating vice"* (art. 21).

Regarding the right to **family contact**, the decree provides for regular visitation. *"Prisoners can visit their family and relatives three times in a month"* (Art.23), limited to those *"whose names are registered in the file"* (Art.24). Visits must occur in spaces monitored by security staff (Art.26), and *"female visitors shall adhere to the Pardah (Hijab)"* during the visit (Art.27).

When it comes to pre-trial detention, it allows suspects to be held in custody for three days before being transferred to court for investigation, with the possibility of extending detention by one month prior to trial. In other words, detainees must be brought before a judge three days after their arrest (Arts 31 and 32).

The decree furthermore contains several articles **prohibiting torture and abuse**. *"Security forces, prison guards, and personnel are not allowed to torture prisoners"* (Art.33). It also attempts to hold officials accountable by stating that *"any official who mistreats a prisoner shall face punishment and may also be dismissed from their position"* (Art.34). There is no clear framework for accountability or enforcement of punishment.

Physical abuse of those awaiting trial is banned: “*Accused prisoners must not be beaten*” (Art. 35), and “*punishment of criminals is only permitted following a court verdict*” (Art.35). The use of coercion is further prohibited: “*During imprisonment, prisoners must not be punished or forced to make confessions*” (Art.36).

Finally, the decree contains a problematic Article 38 that states “*Without a court, no one has the right to torture or punish another person.*”²³ This implies that torture may be permissible if authorized by a court. This phrasing is problematic, as it contradicts the absolute prohibition of torture in international law, where torture is never lawful under any circumstance, including by judicial order.

The decree **lacks precise definitions** and does **not meet basic legislative drafting standards**. For instance, it does not distinguish between legal terms such as custody, detention, and imprisonment, and it refers to individuals awaiting trial as “criminals,” which contravenes the principle of the presumption of innocence. It also seems to treat “torture” and “mistreatment” as synonyms. In addition, the classification for separation is vague, relying on unclear distinctions like “corrupt prisoners” as opposed to “relatively decent prisoners” (Art.11). Moreover, procedural safeguards are notably lacking. For example, the decree removes the requirement for a court-issued search warrant, which had been a key element of the previous Afghan legal system. Instead, it mandates that house searches be carried out in the presence of a mosque imam and community elders. Unlike previous government legislation, which is typically published in both of Afghanistan’s official languages, Pashto and Dari, this decree is available only in Pashto.

It is further important to note that this decree does not seem to be consistently implemented in practice. Weak oversight, inadequate training, and systemic issues such as arbitrary arrests, prolonged detentions without judicial review, and denial of legal counsel continue to create an environment in which abuse is widespread and unchecked. UNAMA recorded over 1,600 human rights violations committed by Taliban *de facto* authorities between January 2022 and July 2023 covering 29 out of 34 provinces, with nearly half involving torture or cruel, inhuman, or degrading treatment, primarily during arrest and detention by the Ministry of Interior and the *de facto* GDI.²⁴

We are not aware of any criminal investigations or convictions for acts of torture or other forms of ill-treatment. We have been told informally of cases where individuals were removed from their positions.

📌 Access to Justice

Access to justice is a necessary safeguard against torture, other forms of ill-treatment, and arbitrary detention, as repeatedly emphasized by the CAT.²⁵ It is through legal representation, judicial oversight, and the ability to challenge unlawful detention and treatment that detainees can protect themselves from abuse. As outlined below, such safeguards are severely restricted under Taliban rule, increasing the risk of torture and ill-treatment and making it significantly more difficult to obtain redress for such abuses. In this context, the justice system

²³ In the text of the referenced article, an imprecise term of Pashto (ZAJER) has been used instead of a more accurate legal equivalent for punishment (JAZA). The chosen word carries multiple meanings in everyday language and can be interpreted as “torture.”

²⁴ UNAMA, “The treatment of detainees in Afghanistan. Respecting Human Rights: a Factor for Trust, September 2023, p. 3, <https://unama.unmissions.org/unama-urges-urgent-accelerated-action-afghanistan%E2%80%99s-de-facto-authorities-stop-torture-and-protect>.

²⁵ See e.g. CAT, Concluding Observations on North Macedonia, UN Doc. CAT/C/MKD/CO/4, 12 June 2024, para. 25; Concluding Observations on Côte d’Ivoire, UN Doc. CAT/C/CIV/CO/1, 9 August 2024 para 30e; Concluding Observations on Colombia, UN Doc. CAT/C/COL/CO/6, 7 June 2023, para. 13b.

not only fails to prevent torture, but it often enables it. The following overview of the current justice system is intended to shed light on these structural deficiencies and to contextualize impunity and the denial of redress experienced by detainees.

The current *de facto* court system operates across three tiers: the *de facto* Supreme (or High) Court, *de facto* appellate courts, and *de facto* lower courts. These *de facto* courts are responsible for handling general criminal cases as well as civil and legal disputes. The *de facto* Supreme Court, based in the provinces of Kandahar and Kabul, functions as the *de facto* highest judicial authority under Taliban rule. The Kandahar-based *de facto* Supreme Court oversees judicial matters in ten provinces, while the Kabul-based *de facto* court has jurisdiction over the remaining 24 provinces. These *de facto* courts have the *de facto* authority to uphold, overturn, amend, or annul decisions issued by *de facto* lower courts.²⁶

There are two distinct roles that shape the administration of justice in Afghanistan's legal system: *de facto* **judges (qadis)** and **muftis**. *De facto* Judges are formally appointed to adjudicate legal disputes and issue **enforceable decisions** in both criminal and civil matters, including those involving Hudud and Qisas. In contrast, muftis are **religious scholars** who provide **Fatwas**, which are non-binding legal opinions or interpretations of Islamic law, often in response to specific questions. While muftis do not issue formal rulings, they may **advise de facto judges, de facto government authorities, or individuals**. Their interpretations thus often influence how Islamic law is understood and applied.

Most *de facto* judges and muftis are students or graduates of religious madrassas, primarily located in Pakistan. Several of them also served as *de facto* judges in Taliban-controlled areas during the conflict period. Only a small proportion of *de facto* judges, particularly in provinces like Herat and Panjshir, possess formal higher education in civil law or Sharia law from recognized universities. Furthermore, there is no standardized or transparent procedure for judicial appointments.

Since January 2024, the *de facto* government has enacted a **Law on Hearing Complaints**, which establishes a formal legal framework obliging the *de facto* Ministry of Promotion of Virtue and Prohibition of Vice to receive and address complaints from the public. This law mandates that complaints against *de facto* officials and employees be first submitted to the relevant administrative authority, with escalation to the Ministry of Promotion of Virtue and Prohibition of Vice if not properly resolved. The Ministry of Promotion of Virtue and Prohibition of Vice is required to demand effective action from responsible authorities, and to report unresolved cases to higher officials or courts. The law also assigns the Ministry of Promotion of Virtue and Prohibition of Vice the responsibility to oversee complaints involving security and intelligence agencies, including matters related to political detentions and allegations of torture within the GDI. We have no information as to whether this law is applied in practice. Given that the Ministry for the Promotion of Virtue and Prevention of Vice functions as a religious policing body enforcing the Taliban's strict interpretation of Islamic law, it is unlikely to play any role in preventing arbitrary detention or torture of human rights defenders, activists, and other dissenting voices. On the contrary, these individuals are often targeted by the Taliban as 'infidels' or persecuted for belonging to religious minorities.²⁷

The Taliban dismantled the Afghanistan Independent Bar Association (AIBA) and reestablished a *de facto* **Defence Lawyer Department** within the *de facto* Ministry of Justice, reflecting the legal framework that existed prior to AIBA's creation in 2008. This department is tasked with overseeing the affairs of defense lawyers, including licensing and their

²⁶ Rawadari, "Justice Denied: An Examination of the Legal and Judicial System in Taliban-Controlled Afghanistan", January 2025, p. 9. <https://rawadari.org/wp-content/uploads/2025/01/Justice-Denied.pdf>.

²⁷ Taliban Leader Decree No. 412, Enforcement of the Law on Hearing Complaints, February 2024, Afghanistan.

professional development. The *de facto* Ministry of Justice does not publish official figures on the current number of enrolled defense lawyers. The *de facto* Ministry's Legal Aid Department offers free legal consultations and representation. According to information on the *de facto* Ministry of Justice website, legal aid is aimed for the “protection and defense of poor people in criminal cases, women and children in civil cases and victims”, provide “reliable aid and legal services to the suspect, the accused or the convicted, or the needy victim” and “to make people aware of their Sharia and legal rights and obligations.” Individuals seeking legal assistance can submit applications through forms available on the *de facto* Ministry of Justice's website. There are also referral mechanisms in place, where *de facto* courts can direct individuals to the *de facto* Legal Aid Department to be assigned a defence lawyer.²⁸

In a letter dated April 2024, the Taliban Supreme Court addressed the *de facto* Court of Appeals in Nangarhar province, **instructing it to prohibit defence attorneys** from representing individuals in criminal cases. The justification given was that defence attorneys allegedly facilitate corruption by acting as intermediaries between bribe givers and receivers. The letter also claimed that lawyers often charge defendants more than the fees permitted under Taliban regulations and argued that their involvement does not significantly impact case outcomes, as judicial decisions are primarily based on the accused's confession. In the absence of a confession, the *de facto* judge is expected to conduct the investigation directly.²⁹ While Afghanistan does not follow a formal doctrine of precedent (*stare decisis*), *de facto* Supreme Court rulings may still hold persuasive authority for *de facto* lower courts. This ruling could thus directly affect other individuals access to legal defence in the future.

Currently, **no women serve as judges or prosecutors** and there are no female lawyers officially registered. This leaves women and girls with limited safe avenues to report abuse or seek justice. The lack of female representation in the police force and other institutions further contributes to the widespread underreporting of violence and discrimination. Former female legal professionals have been subjected to threats and harassment. Nevertheless, many continue to offer informal legal assistance, preparing legal documents and offering advice outside the official court system. In some cases, they have even supported clients in court, though not in an official legal capacity.³⁰

📌 Overview of the Custodial System

Interviews revealed confusion about which *de facto* authority was responsible for arrest, detention, or any judicial proceedings which contributes to perceived arbitrariness of the detention system. Responsibilities seem to overlap. The *de facto* GDI and other entities often arrest, question, decide, and detain within the same premises, and those premises hold both remand and sentenced prisoners. The Taliban have largely retained the infrastructure of the previous government but without clarifying institutional mandates, contributing to the fragmentation and blurred mandates. The table below provides an overview of detention facilities and its controlling *de facto* authorities. This overview clarifies which institutions are involved in different stages of detention and shows where legal categories, such as pre-trial and post-trial detention, are collapsed into the same spaces. When a single *de facto* authority oversees arrest, interrogation, adjudication, and detention, the risk of torture increases and accountability for abuses becomes harder to establish.

²⁸ Ministry of Justice, "Free Legal Aid", 19 May 2025, <https://moj.gov.af/en/free-legal-aid>.

²⁹ Letter 632-631. Taliban Supreme Court, May 2024. Unpublished document.

³⁰ Special Rapporteur on the situation of human rights in Afghanistan, "Access to justice and protection for women and girls and the impact of multiple and intersecting forms of discrimination", UN Doc. A/HRC/59/25, 11 June 2025, p. 8.

Overview of detention facilities in Afghanistan since 2021³¹

Facility Type	Primary Purpose	Population Held	Stage in Legal Process	De facto Governing Authority	Remarks
<i>De facto</i> Police District Station Cell	Initial arrest and short-term holding	General (male and female)	initial arrest; early-stage investigation	<i>De facto</i> local police	Usually, 24 to 72 hours
<i>De facto</i> Police Provincial HQ, Male Detention Centres	Investigation, long term pre-trial holding	General (male and female)	Pre-trial investigation	<i>De facto</i> Police HQ	
<i>De facto</i> Police Provincial HQ, Female Detention Centres	Investigation, long term pre-trial holding	General (female)	Pre-trial investigation	<i>De facto</i> Police HQ	Often separate wings or units within HQs
<i>De facto</i> General Prison	Long-term incarceration usually after conviction	Convicted adult males	Post-trial	<i>De facto</i> Office of Prison Administration (OPA)	
Female section of <i>de facto</i> General Prison	Long-term incarceration usually after conviction	Convicted adult females	Post-trial	<i>De facto</i> OPA	
<i>de facto</i> GDI facilities	investigation of crimes against internal and external security of the country	Police oppositions, activists, and security related suspects	Pre-trial	<i>de facto</i> GDI	Limited transparency; access usually restricted
<i>De facto</i> Juvenile Rehabilitation centres	Rehabilitation of juvenile in conflict with the laws	Juveniles (age between 12 and 18)	Pre- and post-trial	<i>De facto</i> OPA	

The exact size of the current prison population remains unknown. In September 2024, the *de facto* government reported that there were more than 20'000 people detained in Afghanistan.³² It remains unclear whether the Taliban's reported numbers also include detainees held in *de facto* GDI facilities.

³¹ This table draws on information provided by legal professionals working in the justice system, June 2025.

³² Kabul Now, "Taliban Reports Over 20,000 Held in Its Prisons and Detention Centers", 1 September 2024, <https://kabulnow.com/2024/09/taliban-report-over-20000-detained-in-prisons-including-women-and-minors/?tzc=1>.

e The *de facto* General Directorate of Intelligence

The *de facto* GDI is responsible for matters of internal and external security, including treason, espionage, terrorism, and anti-government propaganda.³³ The *de facto* GDI reports directly to the Taliban supreme leader. The *de facto* GDI has played a central role in detaining individuals perceived as threats to the regime, including former government officials, members of armed groups, journalists, human rights defenders, minorities, and others suspected of opposition activities. The *de facto* GDI runs several detention facilities at district and provincial level including in unknown places. There are numerous reports about torture and other forms of ill-treatment in *de facto* GDI facilities. According to UNAMA, over 60% of torture cases documented in detention were attributed to *de facto* GDI in 2023.³⁴ As evidenced by the testimonies in the sections below, torture is often brutal with electric shocks, simulated drowning, and rape.

Despite the earlier explained oversight mechanisms, we have the account of interviewees, it shows that GDI has impunity or as UNAMA said people don't trust to report.

³³ UNAMA, "*Treatment of Detainees in Afghanistan: 1 January 2022 – 31 July 2023*", September 2023, p. 5, https://unama.unmissions.org/sites/default/files/unama_report_-_eng_-_treatment_of_detainees_sept_23_0.pdf.

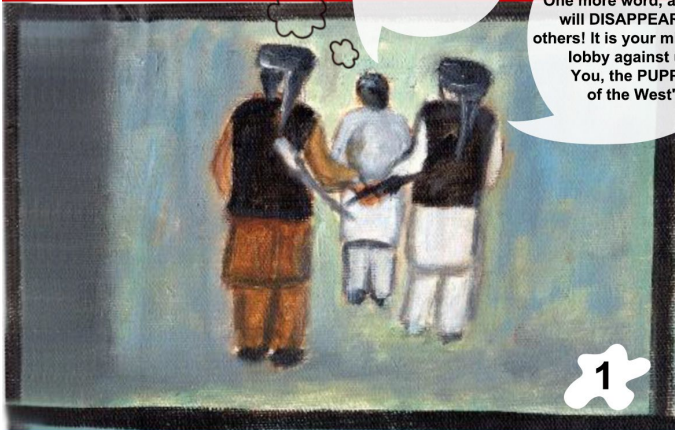
³⁴ Ibid, p. 3.

V. What Survivors Reveal About *de facto* GDI Custody

No law, rights, word, just force. They can arrest me, but not my voice or values!!!

"You cannot just arrest me! What have I done wrong?"

"SHUT UP! One more word, and you will DISAPPEAR like others! It is your mistake to lobby against us!! You, the PUPPET of the West".



1

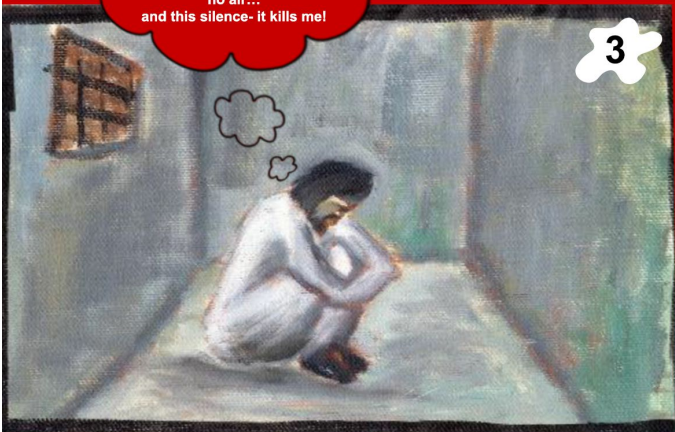
...huhuh...getting dizzy, ..breathing is getting harder and harder under this bag!! Where are they taking me? What crimes am I accused of? Will I survive this all?

"Hey hey... this is what you get for working for the infidels!! This is just the beginning! No mercy for those who betray our land! "



2

These walls are pressing in like they want to erase me!! Time has melted in the heat... I don't know if it is day or night, I am so, so thirsty ... and hungry!! There is no light, no air... and this silence- it kills me!

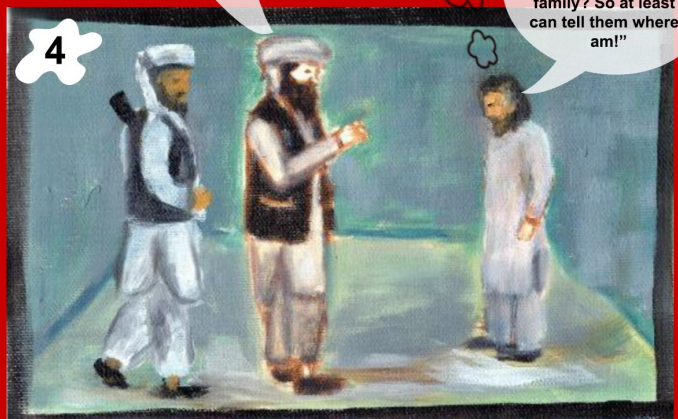


3

"Haha a lawyer- now you cannot talk anymore for yourself?! No, no, we want to listen to YOU! Where are your friends now? We will teach you what protesting against US means. CONFESS - or we will kill you."

Their look scares me! OH NO, I cannot understand ... they speak another language. And, I have no lawyer to speak for me!!"

"Can I have a lawyer? Please, can I call my family? So at least I can tell them where I am!"



4

"TALK, CONFESS!! If your mouth won't open, your body will!
You are trying to destroy our country, our religion! You people do not even know what real Islam is!
Your people are a stain on this land."

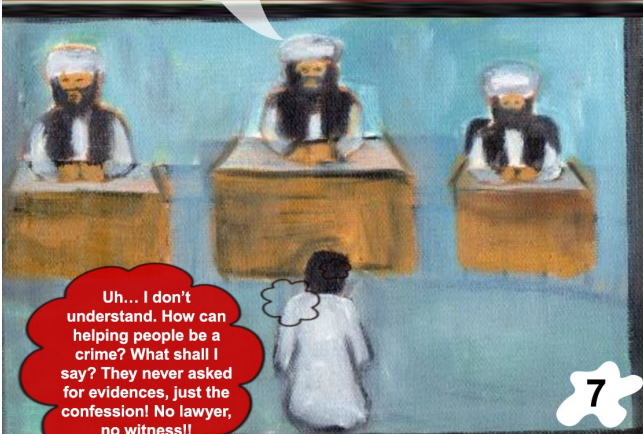


... aaaahhhh this pain!!
The stick landed before I could answer.
I taste blood.... It seems I have no choice but to confess if I want to survive!!

... am I lying on the floor or under it?
They may break my body- BUT MY VOICE WILL RAISE AGAIN. My family must be so worried!



"We do not need evidence. Your words were your crimes. This court finds you guilty of spreading lies against Islamic Emirate!"



Uh... I don't understand. How can helping people be a crime? What shall I say? They never asked for evidences, just the confession! No lawyer, no witness!!

Uh... what is this?
What do they want me to sign?
What happens if I sign it - or not?
No one can guide me, no lawyer, no possibility to appeal...
What will be the sentence at the end...?
Life in prison?



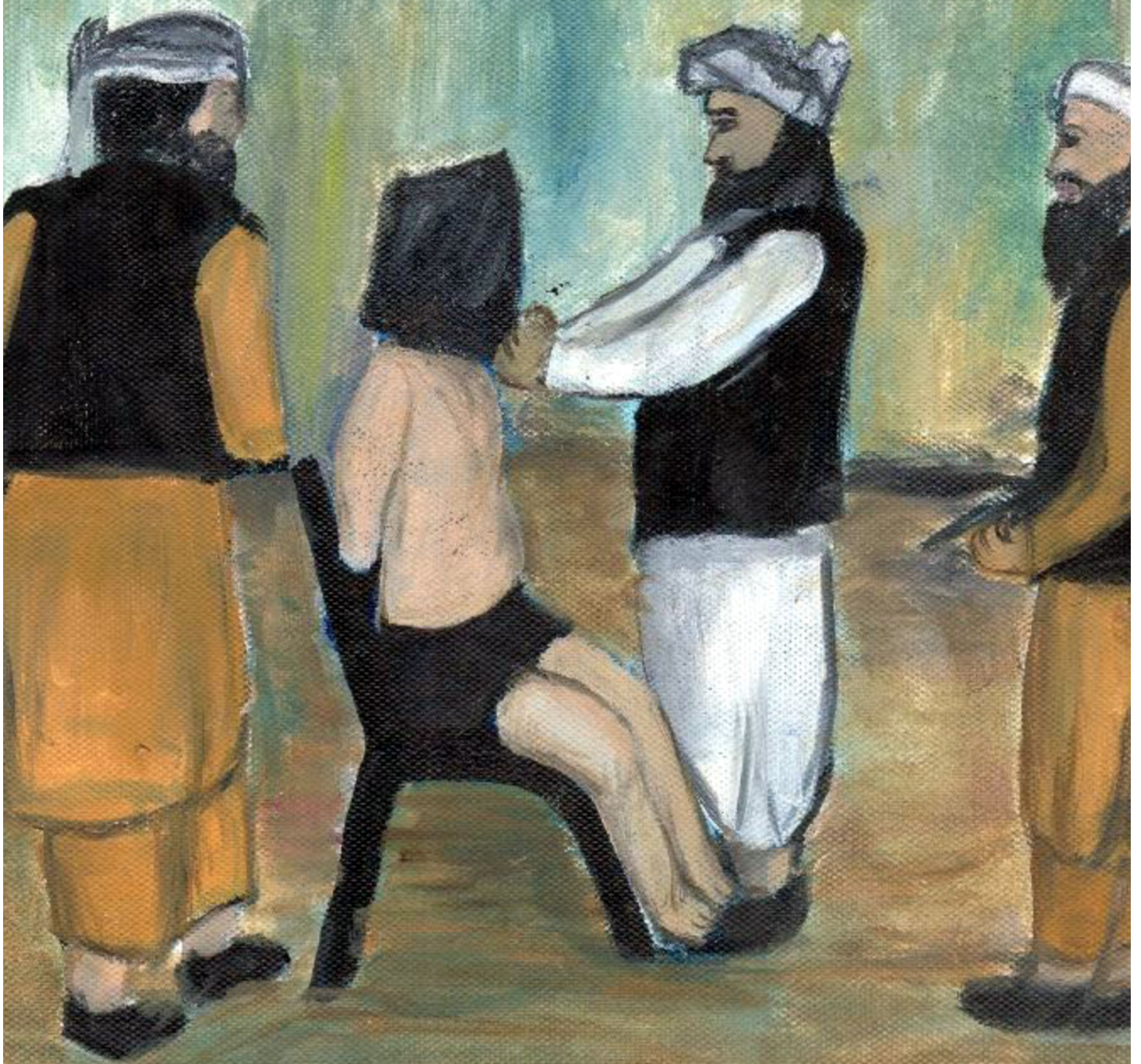
So suddenly FREE? Really?!? ... maybe on paper but I still feel their eyes everywhere.
The nightmares are terrible. Who am I if I cannot speak out my opinion? They said: Stay silent or we take you back!
There- my friends and family members- they think I committed a crime! It seems I have brought shame to them! But for me, every step is towards freedom!
I FEEL I EXIST!!



1

**“They accused me
of spying for
Western countries”**

**Arrest and Torture as Ideological
Punishment**



Widespread patterns of **torture and ill-treatment during arrest**, particularly against journalists, human rights defenders, ethnic minorities, and members of the former government have been reported by various sources.³⁵ Contrary to explicit rules in the Prison Decree, interviewees reported about insulting language during arrest (both prohibited in Art. 3 and 38), arrest at home at night (prohibited by Art. 2), or physical abuse. One interviewee recounted the following:

“I was at home with my family when the Taliban came and arrested me right in front of my father, mother, and siblings. During the arrest, they bound my hands tightly with a thin, cutting string and covered my head with a black sack. The string dug into my wrists, wounding and cutting into my skin, and I cried because of the pain. One of the Taliban soldiers then cut the string with a bayonet and replaced it with iron handcuffs. While they were transporting me to the prison, they forced my head down between the two front seats, near the driver, with two people seated on either side of me. Whenever I tried to lift my head even slightly, they struck me on the head with the butt of their gun.³⁶”

A lawyer who has been arrested by an intelligence officer in Herat province stated:

“I was at the home of a university professor whom I already knew. Although I had changed my residence to stay under the radar, they arrested me as soon as I stepped out of his house. During the arrest, one of them attempted to shoot me, but another, speaking in Pashto, shouted, "There's a camera there; don't shoot." I saw a security camera in the area, which I believe is the only reason they didn't kill me. Then they put a black bag over my head, threw me into the trunk of a car, and transferred me to intelligence headquarters.³⁷”

Many interviewees reported that they had **black bags placed over their head** when being arrested. A women's rights activist who has been arrested in Kabul said:

“I was ill when they arrested me on the way to the hospital. Initially, they took me to the third security district. After initial interrogation and beating, I was transferred to intelligence. When they pulled me out of the third security district, they placed a black bag over my head and transported me to the intelligence agency. As they were transferring me to intelligence, two women got into the car with me, but they got off in the 10th District. When I asked why they were taken off and where I was being taken, they told me to be quiet, or else they would hit me. One of them slapped me hard across the face. After the women got off, they removed the bag from my face and took several pictures of me. I asked why they were taking my picture, and they replied, "It's none of your business." Once they finished taking the photos, they put the black bag back over my head, and we continued driving. For a long time, I had no idea where I was or where they were taking me.³⁸”

³⁵ The UNAMA has consistently documented cases of arbitrary arrests where detainees reported ill-treatment during apprehension. In 2023, UNAMA documented 356 credible instances of violations during arrest and transfer to a place of detention, many amounting to torture or other forms of ill-treatment, with physical beatings and the blindfolding. Ibid.

³⁶ Case No. 6, Interviewed on 28 August 2024.

³⁷ Case No. 12, Interviewed on 27 August 2024.

³⁸ Case No. 8, Interviewed on 4 August 2024.

Several interviewees reported that when they were arrested, the Taliban **accused them of spying for the West**. A young women's rights activist who has been arrested in Kabul said:

“On December 22, 2023, we held a protest against a decree issued by the leader of the Taliban, which banned women from work and education. Unfortunately, as in previous instances, our protest was violently suppressed by the Taliban, and the protesters were insulted, humiliated, tortured, and detained. I, along with some other protesters, was arrested by the Taliban and taken to the Third Police District. The moment of my arrest was terrifying, as they attacked us with anger and aggression, beat and searched us thoroughly. They inspected our bodies as well as our mobile phones. When they found photos and videos on my phone, they accused me of spying for Western countries. They then put a black hood over my head and transferred us to the Third Police District. In the police vehicle, two men sat on either side of me and took me to the district. Once there, they began interrogating me.³⁹”

Another interviewee received a call from the Taliban security department asking him to visit their office for questioning. Upon arrival, he was accused of **espionage**, had a black bag placed over his head, and was taken away to an intelligence facility:

“On the afternoon of January 17, I received a call, and the caller identified themselves as being from the security department. They told me to come to their office as they had a few questions to ask. I went there without taking my smartphone, bringing only my basic mobile phone. When I arrived at the office, the head of the department asked, "Which country are you spying for?" I replied that I was not spying for any country and was simply a journalist and reporter. They then put a black bag over my head and took me away. When we arrived at the intelligence facility, they led me to a dark room and removed the black bag from my head.⁴⁰”

Accusations against human rights defenders or others who criticize the Taliban of spying indicate that the Taliban view western states, especially their presence in Afghanistan, as a corrupting and having an anti-Islamic influence. People associated with education, women's rights, or democracy are easily framed as "agents" of Western agendas. This aligns with their rhetoric that equates modern rights-based frameworks with foreign domination.

Another interviewee recalled how the Taliban **knew even details of meetings** the interviewee had with his former supervisor:

“When he had worked with a foreign media outlet, my manager would occasionally come to Kabul and stay at [a large hotel in Kabul city], where I would meet with them. The Taliban knew every detail of these meetings—when I met them and who else was present. Even when my sister from Germany sent money to us, [...], they knew all the specifics of these transactions.⁴¹”

³⁹ Case No. 11, Interviewed on 28 August 2024.

⁴⁰ Case No. 2, Interviewed on 25 January 2025.

⁴¹ Case No. 6, Interviewed on 28 August 2024.

Another individual reported that:

“They [Taliban] played an audio message I had sent to a protesting woman I had interviewed, who had since been imprisoned. They accused me of paying these women to protest against them, [...] The next day, they took me to another room and told me to call my family to bring my smartphone. I had no choice but to call my father to bring the phone, knowing that they would subject me to severe torture if I didn't comply. When my phone arrived, my wife had deleted many of the messages and reports exchanged between me and my interviewees. However, since she was unfamiliar with my email system, she could not delete all emails and reports. When the Taliban accessed my phone, they gained access to all the reports and contacts I had with human rights defenders, victims of violence, and victims of human rights abuses. They tortured me for each report, demanding explanations. For each email or message, they accessed, they interrogated and tortured me. That same day, after obtaining my phone, seven armed men went to my office and confiscated anything related to me and my work.⁴²”

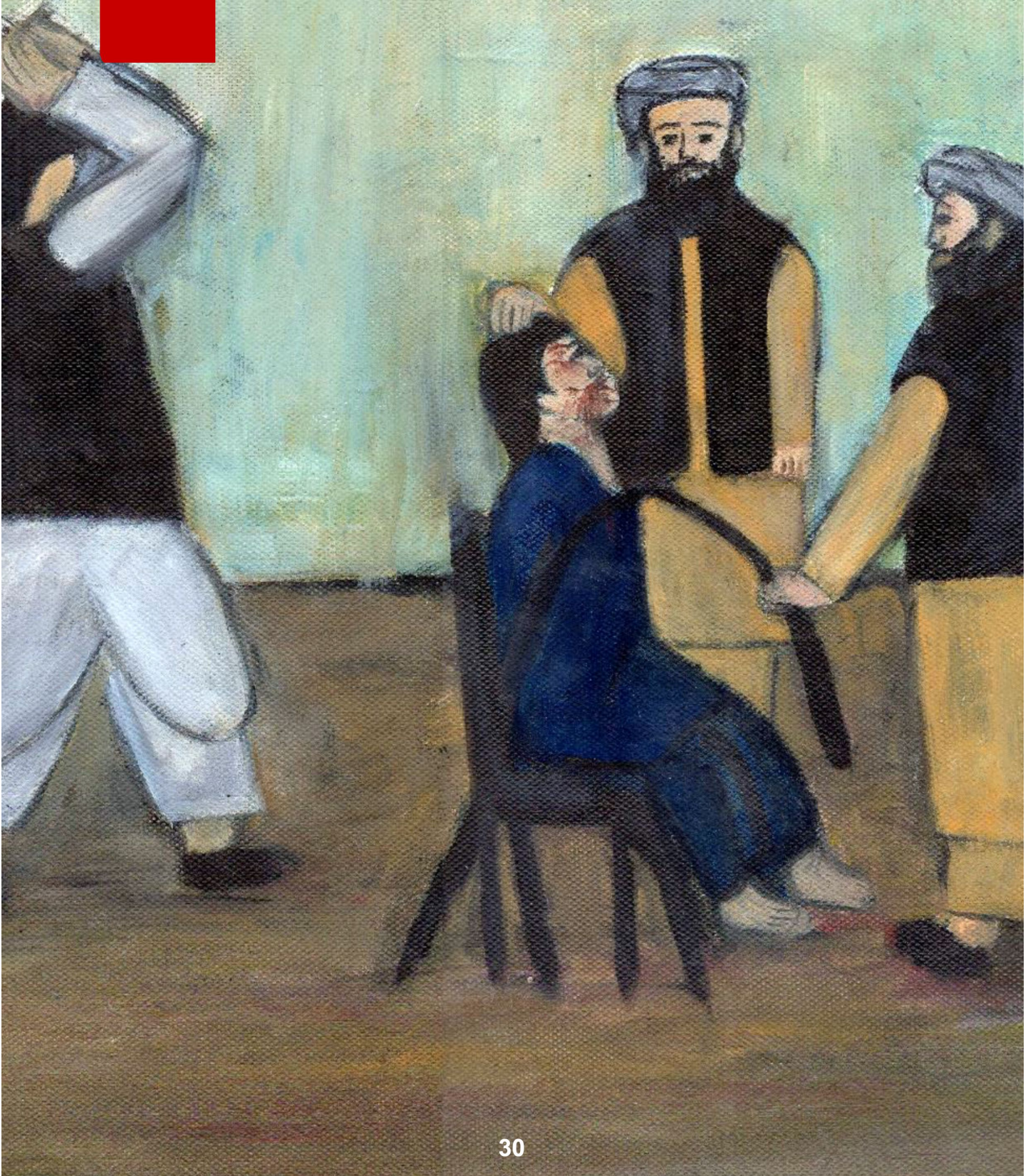
The above interviewee also shows how the individual was arrested and tortured precisely for their current or past human rights related work.

⁴² Case No. 2, Interviewed on 15 October 2024.

2

“They even drilled my hand”

Torture in Detention



The testimonies describe a wide range of **physical torture methods** that include beatings with fists, kicks, chains, water pipes, and electric cables and burning with hot rods or other devices, electric shocks or simulated drowning. This is corroborated by civil society documentation as well as authoritative reports.⁴³

One individual described being burned on the leg with a hot metal rod as punishment for refusing to answer questions:

“When they came for the interrogation, they brought with them water pipes, chains, electric shock devices, screwdrivers, and even a device that could burn. When I argued with them, they became emotional and tortured me. They primarily tortured me with punches, kicks, chains, water pipes, and sticks. However, one time they burned my leg with that same device they had. One day, they brought a gas canister with a metal rod and said if I didn't answer their questions correctly, they would burn me with that rod. I asked what the question was and what answer they wanted. With a lot of insults, humiliation, and accusations, they told me: "During the republic, you worked with the Americans and took Afghan girls to them to satisfy their sexual needs. How much money did you receive?" When I heard these insults, humiliations, and accusations, I became very upset and reacted against them, saying that these statements were devoid of humanity and human rights values and Islamic principles. How could you make such accusations against me? The Taliban became very angry and burned my leg with the hot rod, and the mark from that burn remains to this day.”⁴⁴

This story also reveals how torture is designed to morally degrade the victim, using accusations that invoke sexual shame, national betrayal, and religious dishonour. This torture aimed not only at the body but at identity and dignity.

Several interviewees were subjected to waterboarding. One victim described it as follows:

“They took me to a room resembling a bathroom, stripped me of my clothes, and laid me on my back. They spread my arms apart, with one Taliban soldier standing on my right arm, another on my left, and a third holding my legs firmly. Then they placed a filthy, disgusting cloth over my face and began pouring water into my mouth and nose using a hose. This form of torture, a kind of simulated drowning, was unbearably painful and suffocating. They repeated it to the brink of death.”⁴⁵

A lawyer arrested in Herat province and interviewed reported:

“They beat me with fists and kicks, struck me with a plastic pipe, and placed a plastic bag over my head to cut off my breathing. They put a heavy stone on my chest and stomach, poured water over my face and mouth, making it impossible for me to breathe. They handcuffed my hands behind my back

⁴³ UNAMA, “The Treatment of Detainees in Afghanistan. Respecting Human Rights: a Factor for Trust”, September 2023, <https://unama.unmissions.org/unama-urges-urgent-accelerated-action-afghanistan%E2%80%99s-de-facto-authorities-stop-torture-and-protect>; Human Rights Watch, “World Report 2024”, <https://www.hrw.org/world-report/2024/country-chapters/afghanistan>; Afghanistan International, “Afghan Women Protest in Secret: Voices of Resistance Under the Taliban”, 2025, <https://www.afintl.com/en/202501147302>; Human Rights Council, “Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett”, UN Doc. A/HRC/58/80, 20 February 2025, para 84.

⁴⁴Case No. 1, Interviewed on 29 August 2024.

⁴⁵Case No. 10, Interviewed on 24 January 2025.

in a painful position and continued beating me. They even drilled my hand with a sharp metal rod.⁴⁶”

Other survivors reported about suffocation. One interviewed person recalled how a bag was put over his head that had a cord to tighten it:

“When they pulled it, I felt as though my lungs, stomach, and kidneys were being forced up into my throat. It was terrifying. They would tighten the bag so much that breathing became nearly impossible. Once I lost consciousness, they would remove the bag.⁴⁷”

While these techniques as such are not new,⁴⁸ the above accounts reveal nuances to our understanding of how torture is carried out. Survivors describe the cumulative and layered use of multiple methods, such as suffocation, water torture, and beatings, often applied in succession or simultaneously, intensifying their physical and psychological impact. They also provide details about the improvised and brutal nature of the tools used, such as sharp metal rods or plastic bags tightened with cords, and the makeshift conditions in which torture occurs.

⁴⁶ Case No. 12, Interviewed on 27 August 2024.

⁴⁷ Case No. 10, Interviewed on January 24, 2025.

⁴⁸ See detailed description in UNAMA, “The Treatment of Detainees in Afghanistan. Respecting Human Rights: A Factor for Trust”, September 2023, pp. 19-21, https://unama.unmissions.org/sites/default/files/unama_report_-_eng_-_treatment_of_detainees_sept_23_0.pdf.

3

**“I was haunted
by horrifying
thoughts”**

**Solitary Confinement and
Psychological Torture**



All interviewed persons recounted about devastating **psychological forms of torture** including threats of death, humiliation and psychological abuse. Survivors' narratives reveal how these tactics are deliberately personalised and gendered, aiming to instil terror and dismantle the individual's sense of self. Women were subjected to threats of forced marriage, accusations of immorality, and religious shaming. All forms of abuse that exploit both gender hierarchies and social honour codes. A women's rights activist recalled the following:

“I went through truly terrifying moments. Every hour in the Taliban prison felt as long as a year to me. I was in constant fear and haunted by horrifying thoughts. During the first night of questioning, they repeatedly threatened me, saying, "We will kill you, stone you, and no one will be able to find your body, dead or alive." They pressed the barrel of a gun against my head and near my ear, saying, "We're going to kill you now." I genuinely thought they might kill me at any moment. It was terrifying.⁴⁹”

Degradation, humiliation and insults were also reported. Interviewees recounted how they were subjected to degrading language, including being called "prostitutes" or "infidels". Women, in particular, faced gender-specific insults and threats of forced marriage:

“They tortured me psychologically far more than physically. They constantly insulted and humiliated me, pressing the barrel of a gun to my head and saying they would kill and eliminate me. They threatened me with electric shocks and accused me of things I hadn't done, hurling insults at me. The psychological torture was so unbearable that I would constantly wish for death, as it was truly agonizing and intolerable. One of the most painful experiences was on the third day of my imprisonment, when the Taliban demanded that I marry one of the Taliban soldiers. This was terrifying and horrifying for me. I told them that I was already engaged, and we had planned to marry soon, but my arrest had delayed the wedding. In response, they dismissed my engagement, saying, "No problem; our soldiers are far better than your fiancé, who must also be a non-believer." I replied, insisting that my fiancé was a devout man who had even memorized the Qur'an. This conversation caused me deep distress, and I was very scared.⁵⁰”

Those words expose the full emotional and symbolic weight of such violations and underline that psychological torture is not an adjunct to physical violence but a central, strategic method of repression, particularly against women activists.

Most interviewees reported being held in **solitary confinement**. According to the Nelson Mandela Rules, solitary confinement means confinement of prisoners for 22 hours or more a day without meaningful human contact (Rule 44). The Nelson Mandel Rules prohibit the use of indefinite and prolonged solitary confinement (Rule 43). Prolonged solitary confinement is solitary confinement for 15 days or more (Rule 44). Solitary confinement can only be used in exceptional cases as a last resort, for as short a time as possible and subject to independent review (Rule 45). Interviewees reported about extended periods of solitary confinement, ranging from a few days to several months. For example, one detainee spent 3 months and 15 days in solitary confinement, while another was isolated for 35 days.

Solitary cells were described as extremely small, often measuring 1.5 meters by 1.5 meters, and were frequently dark or excessively lit. A female activist who spent 47 days in solitary confinement recalled:

⁴⁹ Case No. 11, Interviewed on 28 August 2024.

⁵⁰ Case No. 6, Interviewed on 28 August 2024.

“During the 47 days I spent in prison [detention], I didn’t sleep at all. In fact, day and night ... were the same for us. Because the cell I was in was always dark and had no windows. It only had two doors, both of which were locked. There was a copy of the Quran in that room, which I always recited and prayed with. The cell was very cold. There was only a very dirty blanket or quilt next to the room, which smelled terrible. I occasionally had to use it, but I mostly walked around the cell a lot. I wanted to keep myself warm this way and not become paralyzed. In the cell where I was imprisoned, four security cameras were installed, and the Taliban were always watching me.⁵¹”

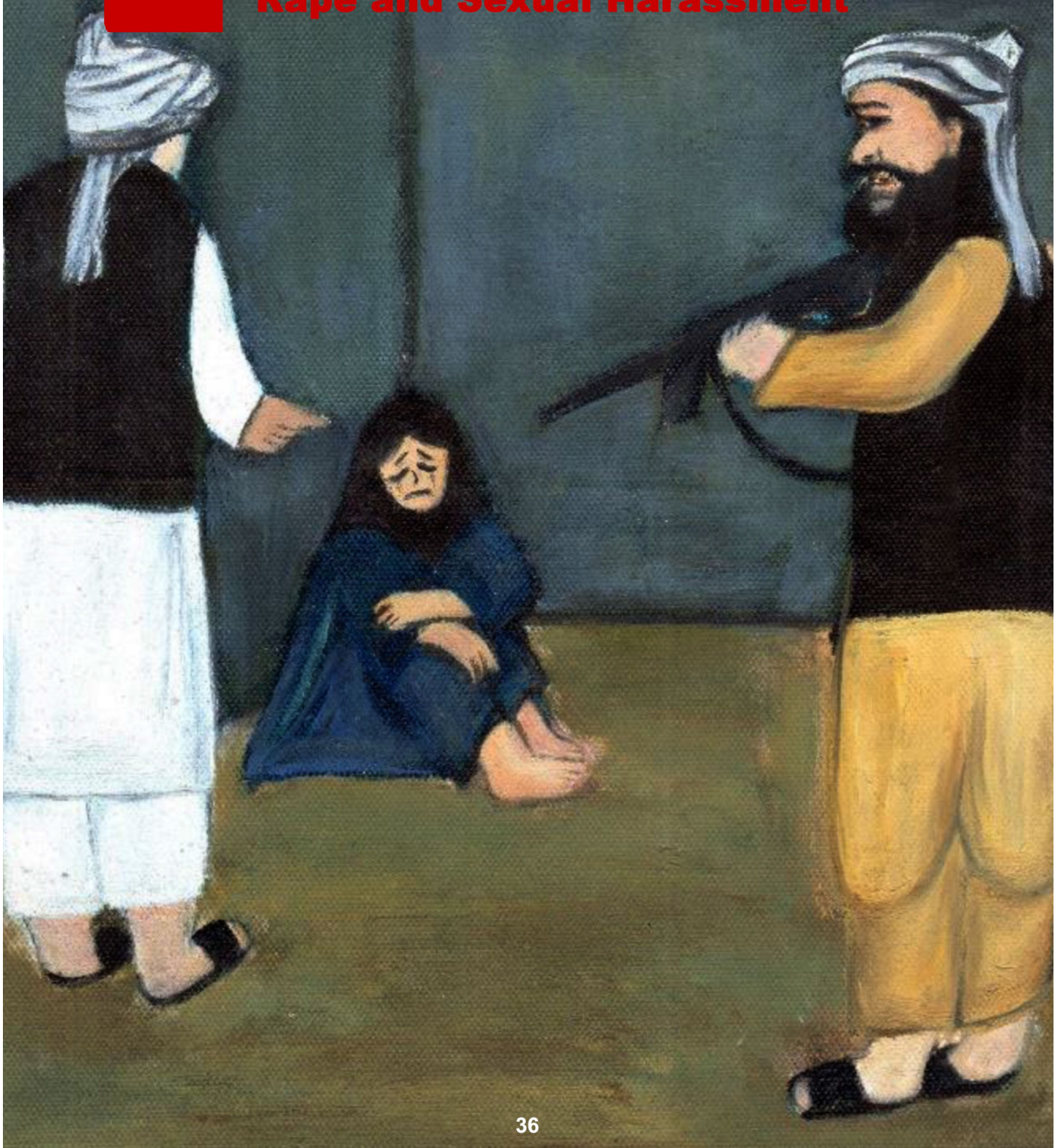
Other interviewees similarly reported how they were under constant surveillance, with security cameras installed in cells to monitor every move. This lack of privacy added to the psychological distress, particularly for women who were surveilled by male guards.

⁵¹Case No 14, Interviewed on 13 September 2024.

4

“I wished I could die at that very moment”

Rape and Sexual Harassment



Behind closed doors, both women and men have endured sexual violence. While several reports⁵² point to a pattern of sexual violence against women, **rape and sexual harassment of detained men is less reported**. One interviewed survivor recounted how he was raped by three men in a *de facto* GDI facility:

“The only thought that crossed my mind at that moment was how I could resist the forced confession. Suddenly, one of them came over and moved me. Another, who was standing behind the camera, confirmed that this position was correct. I was placed in the middle of the room with three other people, and I slowly felt that my ominous and painful fate was being sealed. My naked body experienced a complete sense of vulnerability under their wild and ruthless gazes. One of them removed my pants, and another took off my shirt. [...]. I was overcome with fear and horror, and my helpless screams were drowned out by the Taliban's mocking and pleasure-filled laughter. Three of them took turns assaulting me, each attacking me with malicious laughter. The endless pain and horror from these assaults brought me to the brink of unconsciousness every second. My rectum was severely torn, and the excruciating burning sensation I experienced brought me closer to annihilation with every moment. Amidst this pain and terror, I wished I could die at that very moment to end this endless suffering. Whenever I lost consciousness, they would bring me back to awareness by urinating on my face and splashing dirty water. This endless cycle of assault and unconsciousness repeated every night, dragging me deeper into despair. These experiences, in fact, profoundly affected not only my body but also my mind and soul.⁵³”

This testimony exposes the use of sexual violence as a method of torture, aimed at degradation and control. The violence is performed in front of others, recorded, and repeated nightly, turning rape into a form of punishment, sadism, and dehumanisation. The survivor's account reveals how this form of torture devastates both body and mind.

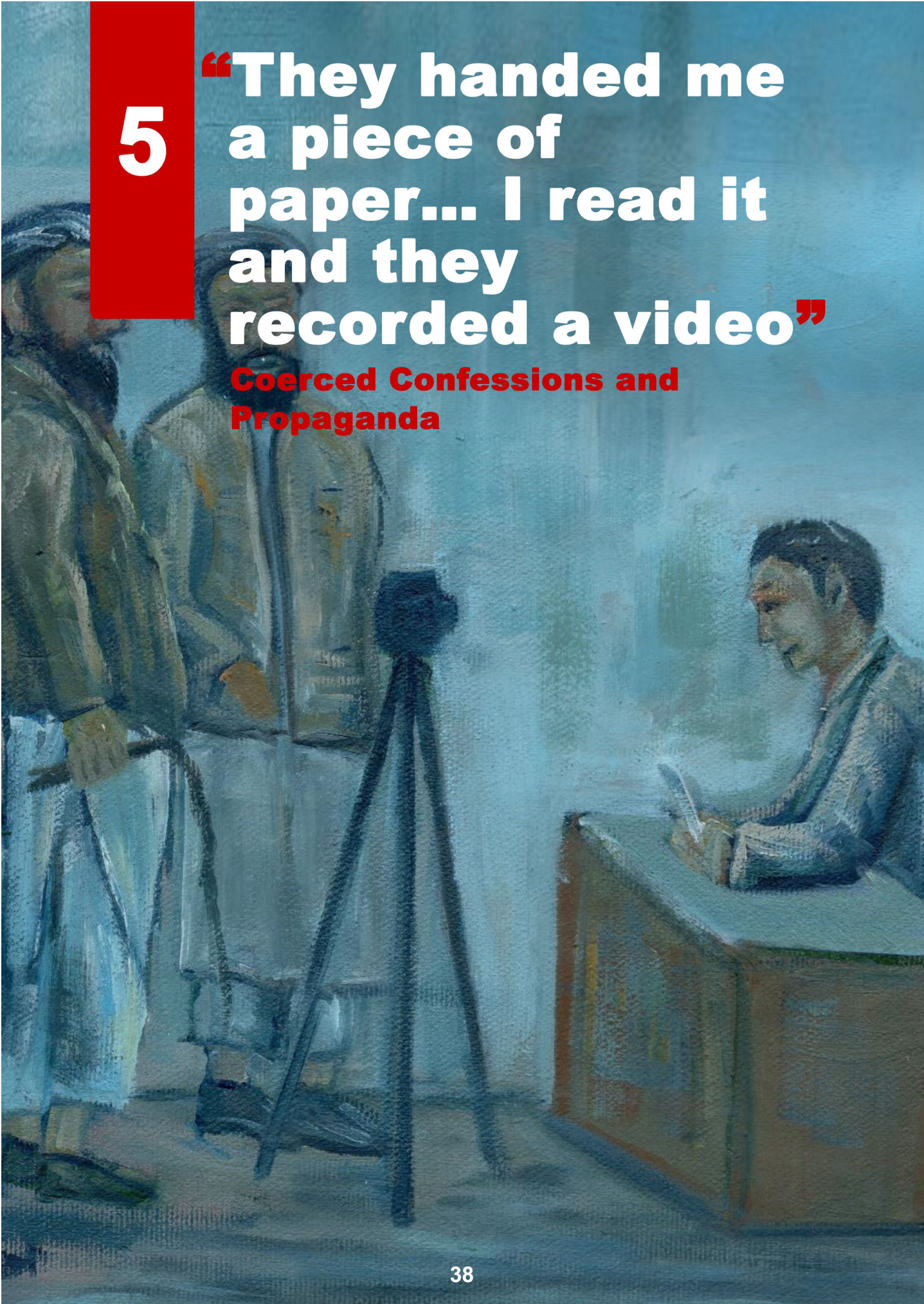
⁵²United Nations, Report of the Secretary-General on the situation in Afghanistan and its implication for the international peace and security, UN Doc. A/79/330, 6 March 2024, para. 21; **The Guardian**, "Women arrested by Taliban for begging report rape and killings in Afghan jails", 29 November 2024, <https://www.theguardian.com/global-development/2024/nov/29/afghanistan-taliban-women-children-arrested-begging-rape-torture-killings-jails-destitution-work-ban>.

⁵³Case No. 15, Interviewed 25 January 2024.

5

“They handed me a piece of paper... I read it and they recorded a video”

Coerced Confessions and Propaganda



There is evidence indicating that the Taliban systematically extract forced confessions from detainees not only through coercion and torture but also public humiliation. These confessions are often **recorded and disseminated via state-controlled media** to discredit activists and suppress dissent.

In one documented case, a female detainee recounted being subjected to severe physical abuse and being coerced into making false statements on camera, with armed men present during the recordings. The Taliban threatened to release these videos if she spoke out about her treatment. The forced confessions included fabricated claims of receiving foreign funds to protest against Taliban policies.⁵⁴

Interviews revealed how confessions were not only coerced through torture but also long and harsh interrogations. One individual reported:

“During the 47 days, sometimes I would be taken for interrogation the next day, sometimes two days later, and sometimes several days later. The timing of the interrogations was also uncertain. Sometimes they would come for interrogation at midnight, sometimes at 4 AM, sometimes at noon, and sometimes in the afternoon. There was no specific time for it. The people who interrogated me were always different individuals. Sometimes one group would come for interrogation, and sometimes another group. There was no consistency about who was responsible for my interrogation.⁵⁵”

Another incident involved the Taliban releasing a video of several women who had disappeared in Kabul. In the video, the women claimed they were encouraged by foreign-based activists to protest and stated they were not mistreated by the Taliban. Human rights organizations and observers have raised concerns that these confessions were made under duress, noting signs of psychological pressure and the likelihood of coercion.⁵⁶

Several interviewees who were released without trial reported that they were subjected to coerced confessions, primarily at the Taliban intelligence headquarters. They were provided with a **pre-written statement**, which they were compelled to read on camera. Following this forced confession and the submission of bail by their families, they were subsequently released.

A female activist reported the following:

“The Taliban did not take me to the judge. After a month, unfortunately, my physical and mental condition had deteriorated significantly. Finally, on the 47th day, the Taliban soldiers called me to the interrogation room. When I was taken there, I saw four cameras, and new Taliban members were sitting there. They asked me to make a forced confession and express regret for what I had done, as well as to show satisfaction with the Taliban. They told me to say these things in front of the camera so that we could show it to the authorities, and they would decide whether to release me. I refused and did not agree to make a forced confession. After two hours of attempts, they left and returned me to the cell. The next day, one of the Taliban soldiers said, if you don't say these things in front of the camera and don't confess, you might stay here for years and waste away. Because my condition was very

⁵⁴ 8AM, “The plight of women in Taliban prisons: forced confessions through stripping and abuse”, 1 March 2025, <https://8am.media/eng/the-plight-of-women-in-taliban-prisons-forced-confessions-through-stripping-and-abuse/>.

⁵⁵ Case No. 14, Interviewed on 13 September 2024.

⁵⁶ RFE/RL's Radio Azadi and Golnaz Esfandiari “Detained Women Activists In Afghanistan Apparently Forced To Confess Before Release”, 23 February 2022, <https://www.rferl.org/a/afghan-women-activists-forced-confessions/31718590.html>.

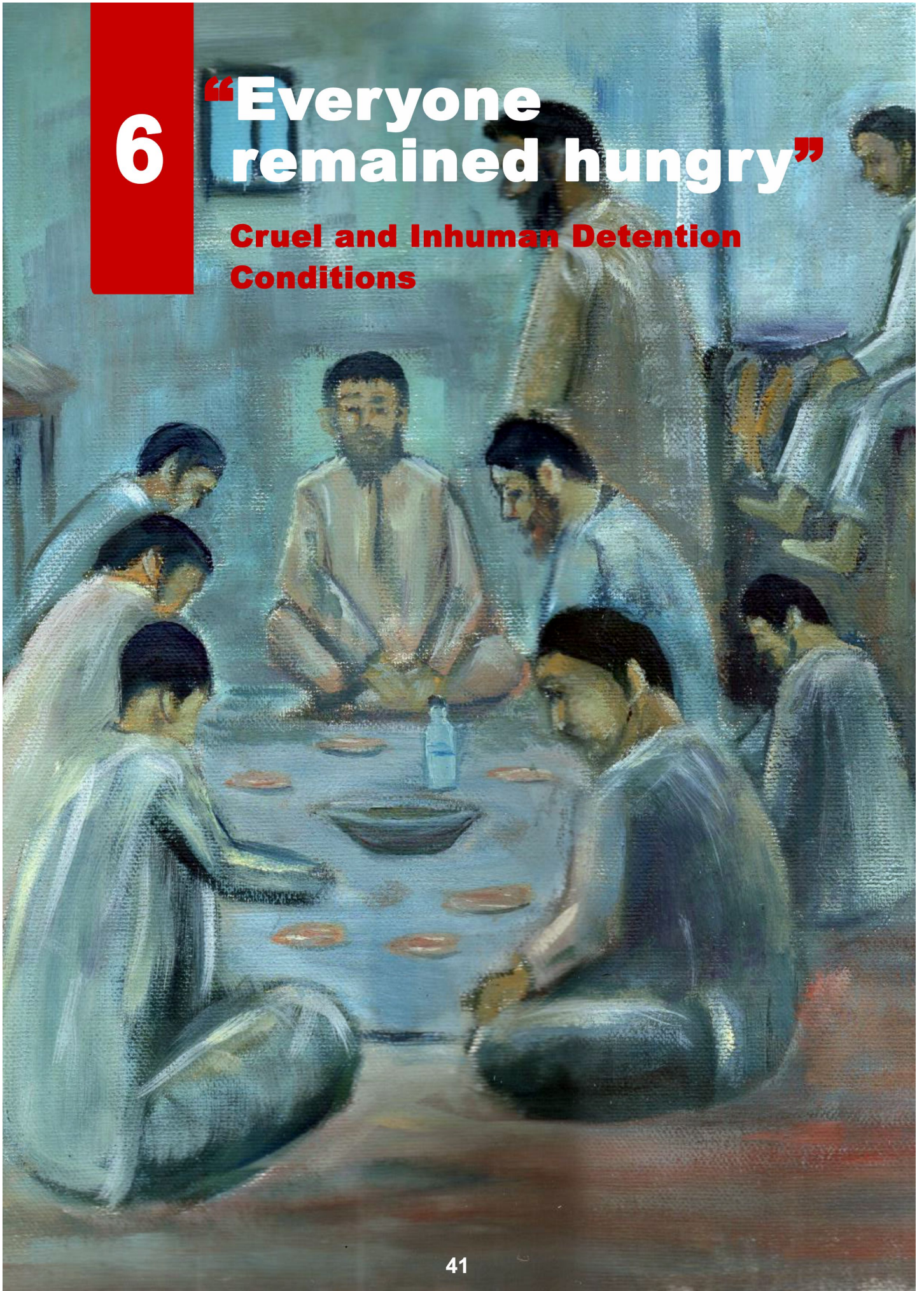
bad, both physically and mentally, I had no strength at all, and eventually, I agreed. After two days, they transferred me back to the same interrogation room, handed me a piece of paper, and told me to read from it. I read it, and they recorded a video. When I wanted to say something else, they turned off the camera. I was forced to say what the Taliban had written.⁵⁷”

⁵⁷ Case No. 14, Interviewed on 13 September 2024.

6

“Everyone remained hungry”

Cruel and Inhuman Detention Conditions



Interviewees of this report described sanitary facilities in *de facto* GDI as extremely **dirty**. Bathrooms were often located outside the cells, and detainees were allowed to use them only a few times a day regardless of urgent needs. In some facilities, there were only two toilets for 100 detainees. Bedding and clothing were often filthy and smelled bad. Detainees reported using damp, mouldy blankets and sleeping on dirty carpets. The lack of clean clothing and bedding exacerbated the already harsh conditions. One interviewee described his place of detention as follows:

“Sanitary conditions were extremely poor. In the intelligence detention centre, we were held in Hall A2, one of the filthiest places in terms of hygiene. This hall had about 8 cells, each housing between 10 to 20 prisoners, totalling approximately 100 people. There were only two toilets and one bathroom for all of us. One of the toilets were located directly across from our cell, and the very bad smell made our cell nearly unbearable. The bathroom, while present, had no running water. There was only an empty bucket. To bathe, we had to fill the bucket with cold water from the toilet. For the 100 of us in the hall, there was only one shaving machine. All 100 prisoners had to use the same machine for shaving their moustaches, underarms, and other body hair. You can imagine how unsanitary this was. We also didn’t have nail clippers. Each of the eight rooms in the hall was allowed to use the toilet and bathroom in turn. This meant that, at most, we could access the toilet twice a day. I witnessed one prisoner who suffered from gonorrhoea and always had to carry a bottle to urinate in because he couldn’t wait for his turn. He would then empty it when his turn finally came. The overall hygiene situation was utterly appalling.⁵⁸”

The **food provided was often insufficient and of poor quality**. Detainees reported receiving basic meals such as rice, beans, or bread, which were sometimes leftover from the staff’s meals. The portions were small, and detainees frequently went hungry. While water was generally available, it was often served in dirty containers or was of poor quality. Some detainees reported being given only a glass of water per day. One detainee further reported that his food was dirty, stale, and contained insects. Although he did not want to eat due to stomach issues he was forced to do so, causing further pain and suffering.[1] The same interviewee reported that his meal seemed drugged as he suffered from hand tremors after he ate it.

Similarly, an activist reported that she typically received a piece of dry bread with a few dates and a glass of water in a dirty plastic cup. Only occasionally was she served a small amount of rice.⁵⁹

While water was generally available, it was often served in dirty containers or was of poor quality. Some detainees reported being given only a glass of water per day, which was insufficient for their needs. Moreover, one victim reported that she thinks her meal was drugged as she suffered from hand tremors after she ate it.

Interviewees reported about **limited contact with family or being denied** the opportunity to communicate with their families altogether.⁶⁰ This is not in line with the Prison Decree that grants the right for family visits three times a month (Art.23) and the Nelson Mandela Rules

⁵⁸ Case No. 10, Interviewed on 24 January 2025.

⁵⁹ Case No. 6, Interviewed on 28 August 2024.

⁶⁰ This has also been the finding of UNAMA, “*The Treatment of Detainees in Afghanistan: Respecting Human Rights: A Factor for Trust*”, September 2023, p. 36, https://unama.unmissions.org/sites/default/files/unama_report_-_eng_-_treatment_of_detainees_sept_23_0.pdf.

(Rule 58) that provides the right to “communicate with their family and friends at regular intervals in writing as well as visits. One person recalled:

Another interviewee reported that he was able to meet with his son, sister and mother, but that he was instructed not to reveal anything about his abusive treatment. Moreover, their conversations were surveilled:

“There are security cameras, and your voices are recorded. [...] When my sister and son were brought to me, we were taken to a small room. Two Taliban women stood on either side of us, ensuring that I wouldn’t complain about my situation to my sister. Several Taliban members were waiting outside the room, and they even kept the door open to listen to us.⁶¹”

Moreover, for those interviewed, access to **medical and psychological care** in *de facto* GDI detentions was virtually non-existent except for one interviewee who mentioned that he was treated in a hospital for 10 days due to his several injuries as a result of torture.⁶² One interviewee who fell ill or were injured during torture were often denied treatment. In some cases, painkillers were the only medication provided, regardless of the condition. The psychological toll of detention was severe. Detainees reported experiencing constant fear, anxiety, and depression. There was no access to psychological support or counselling:

“Inside the prison, we did not have access to medical services. Sometimes, when the pain became unbearable, they would only give us painkillers, and that was it. There was a time when my health deteriorated significantly, and I felt like I might die. This issue had leaked outside, and with the advocacy of human rights defenders, organizations, and the media, the Taliban transferred me to the national security hospital. There, I was examined, and a doctor prescribed medication for me. However, when they returned me to prison, they did not allow me to keep the medication and took it away from me. They even confiscated the money for the medication without letting me use it. Medical services were very discriminatory in prison, and for me, as a Shia, there were many restrictions, and I had no access to proper care.⁶³”

⁶¹ Case No. 8, Interviewed on 4 August 2024.

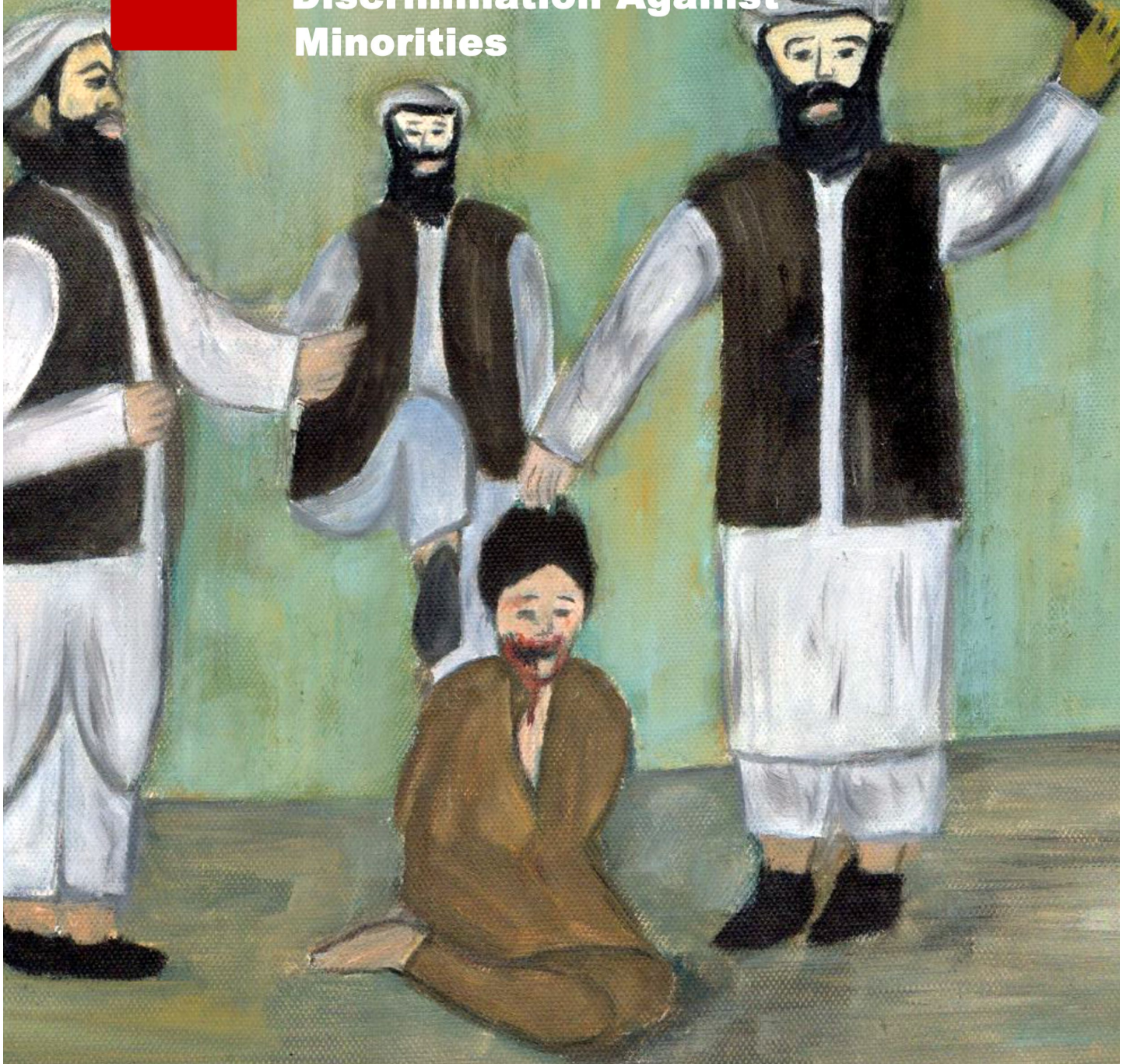
⁶² Case No. 4, Interviewed on 29 August 2024.

⁶³ Ibid.

7

“They always called me a Hazarah”

Discrimination Against Minorities



Ethnic and religious minorities in Afghanistan, particularly Hazaras and Shia Muslims, are facing **systematic discrimination**, persecution, and violence. Credible reports by the United Nations and human rights organizations document widespread abuses, including arbitrary arrests, torture, and restrictions on religious practices targeting non-Sunni communities.⁶⁴ The Hazara population, long marginalized in Afghanistan, has become especially vulnerable under the current regime, subjected to acts of violence that may even amount to crimes against humanity.⁶⁵ Shia Muslims have also been forced to renounce or conceal their religious identity, facing slurs, beatings, and deprivation of basic rights in detention and daily life.⁶⁶ These abuses are part of an institutionalized effort by the Taliban to impose religious and ethnic homogeneity.⁶⁷ The following testimonies reveal how these discriminatory patterns are experienced at the intersection of gender, ethnicity, and religion in *de facto* GDI facilities.

Ethnic and religious minorities, in particular Hazara and Shia detainees interviewed for this report were subjected to sectarian slurs, forced to renounce their beliefs, and tortured for their perceived association with resistance groups.

An activist arrested in Kabul recounted:

“I was constantly insulted and humiliated because of my ethnic and religious identity, from the moment of my arrest until my release. While I was in prison, my father came to visit me, but the Taliban didn’t allow him to visit me, and my father was also insulted and humiliated. They always called me a "Hazarah" and a "rafidi" (a derogatory term for Shia Muslims). They treated me with a lot of animosity. I believe this treatment was truly dehumanizing.”⁶⁸

Another interviewee reported: “When I asked him why he was inflicting so much suffering on me, he said, "do you know how much pleasure I derive from torturing you? When I torture you, I earn merit because you are Shia and infidel”.”⁶⁹

Similarly, a defence lawyer who was arrested in Herat province reported:

“There is absolutely discrimination in Taliban prisons, especially against Dari speakers and other non-Pashtun ethnic groups, with obvious discrimination against Hazaras. As I mentioned before, when a Hazara prisoner prayed with his hands open⁷⁰, not only was he tortured, but we were also punished for allowing him to do so. Those from the Pashtun ethnicity were treated with great respect, while we were labelled as Persian speakers and infidels. Pashto-speaking prisoners were allowed outside for recreation three or four times a week and were served tea, but we were never given

⁶⁴ UNAMA, "Human Rights in Afghanistan: 15 August 2021–15 June 2023", July 2023, <https://unama.unmissions.org/human-rights>.

⁶⁵ Human Rights Watch, "Afghanistan: Taliban Persecution of Hazaras", October 2022, <https://www.hrw.org/news/2022/10/06/afghanistan-taliban-persecution-hazaras>.

⁶⁶ Siddique, Abubakar and Mansoor Khosrow, "Afghanistan's Shi'ite Minority Suffers 'Systematic Discrimination' Under Taliban Rule", 17 July 2023, <https://www.rferl.org/a/afghanistan-taliban-shiite-persecution-discrimination/32507042.html>.

⁶⁷ Amnesty International, "Afghanistan: The Taliban's War on Women – The Crime Against Humanity of Gender Persecution in Afghanistan", May 2023, <https://www.amnesty.org/en/documents/asa11/6789/2023/en/>.

⁶⁸ Case No. 11, Interviewed on 28 August 2024.

⁶⁹ Case No. 9, Interviewed in August 2024.

⁷⁰ Shia Muslims do not fold their hands while praying; instead, they perform the prayer with their hands by their sides, a practice commonly referred to as praying with open hands.

tea, not even once. The situation is particularly harsh for Shia and Persian-speaking individuals in Taliban prison.⁷¹”

This story shows how daily religious practices are policed and criminalized in *de facto* GDI facilities, which has significant implications under freedom of religion and reveals the Taliban’s effort to force religious conformity.

⁷¹Case No. 12, Interviewed on 27 August 2024.

8

“The influence of the intelligence agency on the judges was so strong that they feared them”

Dismantled Safeguards and Impunity

Only 5 interviewees were **brought before a de facto judge**, contrary to Arts. 31 and 32 of the Prison Decree that require judicial review of detention no later than three days after arrest.

Those who faced a judicial system felt that it was subservient to the Taliban's intelligence apparatus.⁷² One interviewee reported that the *de facto* judge acquitted him but was threatened by *de facto* intelligence agents and thus changed the verdict:

“One day, a judge even told me that if I released you, the intelligence agency would imprison and punish me. The influence of the intelligence agency on the judges was so strong that they feared them, and the judges' decisions regarding prisoners were also affected by the intelligence agency's pressure.”⁷³

Interviewees reported that they felt outcomes of their cases were predetermined and the basis of verdicts were religious texts (Hadith and Sunnah).

There appears to be a widespread fear that appealing a verdict of a *de facto* primary court may result in harsher sentencing rather than a fair review. As one interviewee recounted, when he attempted to appeal, he was told: “Who are you to reject the judge's decision?”⁷⁴ As a result, many defendants refrain from challenging the initial verdict and instead accept the *de facto* primary court's ruling without contest. This practice effectively renders the *de facto* appellate courts and the *de facto* Supreme Court symbolic rather than functional avenues for legal redress.

This is also an explanation why the Taliban dismantled the legal profession and **access to legal representation**. The Afghanistan Independent Bar Association (AIBA) was dissolved and absorbed into the *de facto* Ministry of Justice in 2021. This move effectively eliminated the profession's autonomy.⁷⁵ By July 2023 there were only 1,479 defense lawyers. As of August 2024, the *de facto* Ministry of Justice reported the renewal of 1,590 defence lawyer licenses over the past year. It is important to note that only men can get a licence and to practice law.⁷⁶

Juan Mendez, the former United Nations Special Rapporteur on Torture, recommended all people should have access to legal counsel no more than 24 hours after arrest and detention to prevent torture.⁷⁷ None of the interviewees was allowed to meet with a lawyer, even when their families had hired one. In one case, a detainee was told that he was educated and didn't need a lawyer. He was then only given five minutes to defend himself.⁷⁸

All interviewees reported that there were **no mechanisms for filing complaints**, and any attempt to do so was met with threats of further torture or death. In one case, a survivor was told that if they complained to international organizations or the media, their entire family

⁷²UNAMA, “*The Treatment of Detainees in Afghanistan: Respecting Human Rights: A Factor for Trust*”, September 2023, pp. 40-41, https://unama.unmissions.org/sites/default/files/unama_report_-_eng_-_treatment_of_detainees_sept_23_0.pdf.

⁷³Case No. 12, Interviewed on 27 August 2024.

⁷⁴Case No. 10, Interviewed on 24 January 2025.

⁷⁵**The Law Society**, “*Collapse of justice system in Afghanistan leaves countless at the mercy of the Taliban*”, 16 October 2023, <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/collapse-of-justice-system-in-afghanistan-leaves-countless-at-the-mercy-of-the-taliban>.

⁷⁶**Amu TV**, “*Taliban reports renewal of 1,590 lawyers' licenses in a year*”, 4 August 2024, <https://amu.tv/114630>.

⁷⁷**Juan Mendez**, *General Recommendation of the Special Rapporteur on Torture*, para. G, <https://www.ohchr.org/sites/default/files/Documents/Issues/SRTorture/recommendations.pdf>; **Nelson Mandela Rules**, rule 61.

⁷⁸Case No. 10, Interviewed on 24 January 2025.

would be killed. This climate of fear and reprisal effectively silenced victims and prevented any form of accountability.⁷⁹

One interviewee reported that he once **complained to the prison guard about his treatment** and torture by the Taliban to only be humiliated and insulted.⁸⁰

Another interviewee reported that one day a group of Taliban members visited his place of detention, claiming to have been sent from Kandahar on behalf of Mullah Hibatullah, the leader of the Taliban.⁸¹ They inquired whether any detainees had been subjected to torture. Prior to their arrival, interrogators and torturers had removed all equipment and documents related to the mistreatment—a detail the interviewee personally witnessed. When the visitors asked whether he had been tortured, the interviewee responded that it was impossible to speak out against the interrogations when they were present. The interrogators thus left the room. The interviewee then showed the severe torture marks on his body. Upon seeing his condition, members of the Taliban delegation allegedly began to cry but took no action to stop the abuse; no measures were taken to intervene. The following day, after the delegation had departed, torture resumed with increased severity.

⁷⁹ UNAMA, “*The Treatment of Detainees in Afghanistan: Respecting Human Rights: A Factor for Trust*”, September 2023, pp. 50-51, https://unama.unmissions.org/sites/default/files/unama_report_-_eng_-_treatment_of_detainees_sept_23_0.pdf.

⁸⁰ Case No. 1, Interviewed on 29 August 2024.

⁸¹ Case No. 12, Interviewed on 27 August 2024.

9

“Freedom from Taliban prisons does not mean true liberation”

Post-Release Control and Enduring Fear



Several interviewees reported that they were **released thanks to the support by Imams or community elders**:

“After a week, my family, especially my elderly mother, made significant efforts and gathered the mosque’s imam and community elders to go to the Taliban and request my release. The Taliban said that they would release me on the condition that I would never speak to anyone about what I experienced in prison, and that whenever they called for me or had any questions, I must be present and come to them.”⁸²”

Another interviewee said: “My mother ran toward me. From behind the door, I told her I was here. “Please go home and talk to the community elders, the village leader, and the respected people to come and guarantee my release.” They left, and on the fifth day of my imprisonment, the community elders, the village leader, and some family members came and guaranteed my release, and I was freed.”⁸³

These accounts show how, in the absence of functioning courts or legal safeguards, families turn to **customary negotiations** between village elders, Imams, and other respected men to intervene with the Taliban and negotiate a release. These actors draw on their **social status religious legitimacy** to intervene on behalf of a detainee. While such negotiations or informal justice mechanisms have always existed in Afghanistan as has been outlined above, they can **contribute to further erosion of institutions and legal procedures**. Moreover, such negotiations can also **reinforce patriarchal power structures** that risk to exclude those without connections or influence—especially women or those seen as outside the social norm.

Moreover, several interviewees reported having to **pay for their release**. This was not a court-ordered bail but an informal payment to prison authorities—a clear form of corruption. In addition, **family members were often forced to sign as guarantors**, pledging that the released detainee would no longer speak out against the Taliban. This arrangement creates a further layer of control, as family members risk punishment or retaliation if the person in question is perceived to have “misbehaved” or violated the conditions imposed on them.

Threats and harassment extended beyond the prison walls, against detainees and their families. One interviewee reported: “I was obligated to report to intelligence every week about where I was and what I was doing”.⁸⁴ This was echoed by another individual who said to have been “required to report to the security office every week and update them on my status”.⁸⁵ One detainee was warned that the Taliban had an “Assassination Team” that could eliminate anyone who complained including family members. Another interviewee recalled:

“When I was released from prison and had completed my sentence, I had to go through all the paperwork for my release. When I went to the Ministry of Interior to retrieve my belongings and get the final signature and stamp, a Taliban soldier approached me and told me to sit in a corner because someone wanted to speak with me. I waited there for about twenty minutes, and then a Taliban member came with a weapon in hand and called my name. I confirmed that I was the one he was referring to. He then told me that he knew all the details of my case and that he had been following my situation from the moment I was arrested until now. He warned me not to think that I was free to do whatever I wanted now. He threatened that if I

⁸² Case No. 5, Interviewed on 25 August 2024

⁸³ Case No. 13, Interviewed on 23 August 2024

⁸⁴ Case No. 1, Interviewed on 29 August 2024.

⁸⁵ Case No. 11, Interviewed on 28 August 2024.

made even the smallest mistake, spoke out against the regime, or shared what I had experienced in prison with others or the media, I would be held responsible for whatever happened. This really worried me. In fact, the real problems and threats began the moment I was released from prison. Freedom from Taliban prisons does not equate to true liberation; in fact, the restrictions and loss of freedom begin right at that moment.⁸⁶”

Another individual reported that:

“Even when I was released from prison, they continued to follow me like a shadow. Whatever I did, they were informed. Interestingly, former officials from the republic era are working with the Taliban, and they have a lot of experience in this regard.⁸⁷”

These testimonies indicate that release from custody does not end the cycle of fear and repression. Instead, many detainees are **left in a state of legal limbo**, with their cases deliberately left open to justify continued surveillance and harassment. *De facto* authorities often issue direct threats upon release, warning former detainees not to speak out or engage in any form of dissent. The fear is compounded by threats against family members. As a result, many live in constant anxiety, knowing that any perceived misstep could lead to re-arrest or worse. This tactic serves as an effective tool of control beyond prison walls.

Because of the torture experience and post-release surveillance, individuals suffer from sometimes complex psychological trauma. One woman recounted that:

“The torture I experienced at the hands of the Taliban had such a negative impact on my body, mind, and spirit that even months after my release, I struggled to speak properly. I even thought that my husband would attack me at any moment, beating me or cursing at me.⁸⁸”

Another interviewee said that “even months after being released, I was haunted by fears of tall walls, loud noises, and even the sound of vehicles and cars. When I think back to that time, it’s still incredibly painful and torturous for me.”⁸⁹

⁸⁶ Case No. 10, Interviewed on 24 January 2025.

⁸⁷ Case No. 3, Interviewed on 14 September 2024.

⁸⁸ Case No. 5, Interviewed on 24 August 2024.

⁸⁹ Case No. 6, Interviewed on 6 August 2024.

VI. Acknowledging Resilience

This report is the result of a joint effort by the OMCT, CSHRN, and HRD+ and the fifteen HRDs and activists who contributed to this report. While their names and identities cannot be disclosed, their words, analysis, and judgement are embedded throughout the report. Their contributions shaped how this report framed certain violations and what it chose to highlight.

In a context where speaking carries risk, the decision to contribute is strategic. The individuals interviewed did not simply recount abuse, they analysed it, they described patterns, they exposed tactics and warned of what continues to happen behind closed doors. In doing so, they refused to be reduced to victims. They claimed their place as HRDs, observers, and actors. This report exists because they chose not to disappear.

In most human rights documentation, the person who speaks is treated primarily as a witness to violations. Here, we acknowledge that those who speak, especially under repression, are also resisting. This resistance takes many forms: refusal to confess, continued activism, sharing information, or even simply remembering.

Recognizing this purpose matters. It reinforces the advocacy value of the report. It reminds us that testimony is not just data, but a political act. It shifts the narrative from passive survival to active resistance. It affirms that even under extreme conditions, there are still people inside and outside Afghanistan who continue to challenge the system of repression, in ways large and small.

This report is dedicated to those individuals. Not only for what they endured, but for what they continue to do. They are not only survivors, they are fighters and their resistance gives this report meaning.

VII. Conclusion

This report is based on the testimonies of 15 human rights defenders, women's rights activists, journalists, and others targeted by the Taliban for speaking out. Their stories detail the methods and purposes of torture used in detention facilities run by the *de facto* GDI. These individuals were detained not for crimes committed, but for their voices, their visibility, and their human rights activities or perceived association with international organisations. The *de facto* **GDI has become central in identifying, abducting, interrogating, and silencing those seen as a threat to the Taliban's ideology and control.**

Arrest and torture by *de facto* GDI authorities are often **ideology-driven**. Interviewees reported that they were accused of being "Western spies," or working for NGOs seen as enemies of the regime. These accusations formed the basis for brutal interrogations and prolonged abuse.

The **first-person narratives** presented here were collected through in-depth and anonymised interviews. Survivors spoke of arrests without warrants, including through night raids. Several interviewees described being transferred directly to *de facto* GDI-run buildings, often blindfolded. Many were held without any contact with family or lawyers. The *de facto* GDI facilities operate in opacity and are closed to any form of monitoring. The violence described is both physical and psychological. **Torture is used not only to extract information, but to humiliate, instil fear, and break the spirit.** Survivors recounted threats against family members and prolonged isolation in addition to physical torture like electric shocks, waterboarding, or suffocation. Mental torture through sleep deprivation, intimidation, and constant threats was commonly reported. **Discrimination** against ethnic and religious minorities, particularly Hazara and Shia communities, also emerged as a recurring pattern. Several interviewees reported being targeted explicitly because of their identity.

Women detained by the *de facto* GDI described threats of forced marriage and accusations of "immorality" used to justify their detention. One woman recounted being beaten while accused of violating dress codes. Another was told she would be handed over to a Taliban fighter if she refused to sign a pre-written confession. Both men and women reported about **sexual violence**.

Conditions inside *de facto* GDI facilities are dire. Interviewees reported that food was scarce, medical care absent, and cells overcrowded. Some survivors reported being held in complete darkness for days. Moreover, many interviewees were held in **solitary confinement** at some point during their detention. Some individuals interviewed also spoke of being forced to sign pre-written statements that were sometimes video **recorded and broadcasted**.

In most cases, release is conditioned on cooperation, whether by signing a statement, appearing in a video, or agreeing to remain silent. These mechanisms serve to quash dissent and instil fear. Even **after release, repression continued**. Several of those interviewed described being under surveillance or called in for questioning without warning. Some said they feared leaving their homes or using their phones for fear of another arrest. Their cases are often left deliberately unresolved, allowing *de facto* authorities to justify further harassment. The *de facto* GDI's control seems to extend beyond prison walls.

The Taliban's judicial system is marred by lack of transparency, accountability, and adherence to codified laws, resulting in arbitrary and unpredictable rulings that undermine the rule of law and erode public trust. The abolition of the Afghanistan Independent Bar Association (AIBA), combined with the absorption of legal professionals into *de facto* state structures, has **eliminated access to independent legal defence**. *De facto* Courts have no capacity or will to investigate torture claims. Interviewees who attempted to file complaints faced threats

reprisals, or further violence. The **absence of any meaningful legal safeguards, combined with a culture of impunity, makes torture both systematic and invisible.**

While the current testimonies paint a picture of unchecked violence, legal vacuum, and impunity, Afghanistan's recent past shows that torture is not inevitable. When Afghanistan still engaged with the international human rights system and subjected itself to scrutiny by the CAT, concrete gains were made. Following Afghanistan's CAT review, UNAMA reported a significant decrease (by 18% overall and by nearly 30% in NDS facilities) in the prevalence of torture in detention.⁹⁰ This period of progress was the result of combined pressure by international oversight, domestic legal reforms, and monitoring by the Afghanistan Independent Human Rights Commission and civil society actors. Crucially, it demonstrated that torture can be prevented when there are both political will and external accountability. Today, the dismantling of those safeguards and the Taliban's rejection of treaty obligations has created the conditions for the risk of torture to increase. Restoring a human rights framework, however limited in the current context, remains essential to protect those most at risk and to push back against the normalisation of abuse.

The findings presented here must inform urgent international action. As detailed in the report's recommendations, this includes the establishment of international accountability mechanisms, the support of survivors through protection and rehabilitation, and increased documentation efforts. It also requires political will: to name these abuses, to act on the evidence, and to ensure that those responsible, including within the *de facto* GDI, are held to account.

The survivors who shared their stories did so at personal risk. **Their testimonies are not only evidence, but they are also a refusal to be silenced.** Listening to them is a first step. Acting on them is a responsibility.

⁹⁰ UNAMA, "Treatment of conflict-related detainees in Afghanistan: Preventing torture and ill-treatment under the Anti-Torture Law, April 2019, https://unama.unmissions.org/sites/default/files/afghanistan_-_report_on_the_treatment_of_conflict-related_detainees_-_17_april_2019.pdf.

VIII. Recommendations

To the International Community:

- Establish a robust international accountability mechanism through the UN Human Rights Council to document torture cases, preserve evidence, and identify perpetrators with a view to future justice.⁹¹
- Increase political and financial support to UNAMA and its Human Rights Service to continue their work and improve the protection of victims', sharing the prevention of torture, and detentions monitoring, including visits to places of detention.
- Encourage UNAMA to strengthen coordination with civil society organisations (CSOs) and foster trust with those operating inside Afghanistan, to ensure more cases are reported to them.
- Facilitate an urgent visit by the Subcommittee on Prevention of Torture (SPT), in line with Afghanistan's obligations under OPCAT, to assess detention conditions.
- Mandate the UN Special Rapporteur on Human Rights in Afghanistan to prepare a detailed report on torture and ill-treatment, in collaboration with civil society, victims, survivors, diaspora communities, and human rights defenders.
- Support the issuance of humanitarian visas for torture survivors, ensuring that at-risk individuals identified by human rights groups receive protection under the 1951 Refugee Convention.
- Create a regional human rights coalition—led by South Asia Association for Regional Cooperation (SAARC) or neighbouring states—to monitor abuses, support Afghan refugees, and advocate for rights protections in Afghanistan.
- Strengthen Afghan civil society organizations by providing funding, training, and secure technology to document violations and advocate for detainees.
- Support existing rehabilitation programs in and outside Afghanistan for former detainees and their families to receive medical and psychological care, trauma counselling, and legal aid.
- Ensure meaningful participation of persons with lived experience and expertise of torture and detention in the design, implementation, and evaluation of international efforts on accountability and detention monitoring.⁹²

To the *de facto* authorities:

- Criminalize torture in accordance with the CAT Convention and implement recommendations by the CAT.
- Establish a National Preventive Mechanism under the OPCAT.
- Continue engagement with UNAMA Human Rights Service on all issues relating to the prevention of torture, and detentions monitoring, including visits to places of detention, and awareness-raising on detention issues.
- Facilitate visits by the SPT, the Special Rapporteur on the Situation of Human Rights in Afghanistan, the Special Rapporteur on Torture.
- Bring domestic legislation, including the Prison Decree, and the criminal justice system in line with international standards.
- Establish independent complaint mechanisms in detention centres.

⁹¹ HRD+, "Open Letter to Permanent Representatives of Member and Observer States of the United Nations Human Rights Council", 27 July 2024, <https://hrd-plus.net/open-letter-to-permanent-representatives-of-member-and-observer-states-of-the-united-nations-human-rights-council/>.

⁹² In line with the Kathmandu Declaration. Network of Torture Survivors in Asia, Kathmandu Declaration, June 2025, <https://irct.org/wp-content/uploads/2025/06/Kathmandu-Declaration-v1-HM-06-06-25.pdf>.

- Submit overdue report to the CAT according to Article 19 of the CAT Convention
- Implement recommendations by UNAMA and the Special Rapporteur on the Situation of Human Rights in Afghanistan on torture and ill-treatment as well as on the situation of human rights defenders.
- Grant civil society organisations and international monitors access to detention, including *de facto* GDI facilities.
- Establish mandatory and regular trainings on how to prevent the use of torture in all prison facilities, particularly in *de facto* GDI facilities.
- Ensure culturally sensitive access to justice, including by allowing female defence lawyers to work in the justice sector.



“ They tried to
break me,
but I am still
standing ”